

**CITY OF BIRMINGHAM
MEETING OF THE BOARD OF ZONING APPEALS
TUESDAY, NOVEMBER 18, 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) October 28 , 2025 minutes

5. APPEALS

	Address	Petitioner	Appeal	Type/Reason
1)	1061 Forest	John Van Brouck	25-28	Dimensional
2)	925 Larchlea	Kastler Construction Inc	25-29	Dimensional
3)	36977 Woodward	Dean Thurman	25-30	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.

NOVEMBER BZA MAP



Birmingham Board Of Zoning Appeals Proceedings
October 28, 2025
City Commission Room
151 Martin Street, Birmingham, Michigan

1. Call To Order

Minutes of the regular meeting of the City of Birmingham Board of Zoning Appeals ("BZA") held on October 28, 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

Absent: None

Staff: Building Official Zielke; Assistant Building Official Erickson, Assistant Building Official Morad

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.

It was noted that the fifth appeal listed on the agenda for 1061 Forest was to be postponed.

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

Motion by Lilley
Seconded by Kona to approve.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

5. Appeals

**1) 495 Vinewood
Appeal 25-24**

ABO Morad presented the item, explaining that the owner of the property known as 495 Vinewood was requesting 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 answered informational questions from the Board.

Matt Wlotkowski, 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 Reddy

Seconded by Kona with regard to Appeal 25-24, 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%).

Mr. Reddy moved to approve, tied to the plans presented, noting that the driveway needed to be replaced per the presentation. He noted that the conditions were pre-existing non-conforming, that the strict application of the ordinance would prevent the applicant from doing the necessary replacement of the driveway. Literal enforcement of the chapter would result in unnecessary hardship, granting the variance would not be contrary to the spirit or purpose of the zoning ordinance, and it would result in justice to the neighbors by improving the driveway.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

**2) 270 S Glenhurst
Appeal 25-25**

ABO Morad presented the item, explaining that the owner of the property known as 270 S Glenhurst was requesting 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 answered informational questions from the Board.

Jason Armbruster, 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 member comments were as follows:

- This would require more structure in an area of the lot where structure cannot be added.
- An umbrella-style covering could be used seasonally since it is a temporary structure. Awnings that overhang a roof could also work.
- The Board has found it challenging to grant variances for pergolas and similar structures in the rear setback.
- Despite the fact that this is an attractive proposal, the lot cannot accommodate a pergola in the proposed location and at the proposed size.

Motion by Kona

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

Mr. Kona moved to deny the variance request. While the request was based in part on the irregular lot size, it did not seem that a square lot would have made the variance any easier to grant. The proposed structure is not a necessity, and the present conditions are not sufficient to warrant the variance. Denying the variance would not cause an unnecessary hardship, would not result in a substantial injustice to this property, and this variance would be expand a pre-existing non-conforming property. The spirit and purpose of the ordinance is to prevent structures from being built in the rear setback.

Mr. Miller said he could not support the motion since the request was reasonable for the neighborhood, the irregular lot, and since it would not set any precedent.

Mr. Hart said the irregular shape of the lot and the unusual structure of the house result in a challenge for placing a pergola. It is reasonable to want to place that kind of structure on this home. For this reason, Mr. Hart said he would not support the motion.

The Chair concurred with Mr. Kona, noting additionally that every lot in Birmingham has challenges, and that front and rear setbacks in Birmingham tend to be relatively inviolable. Not every lot in Birmingham allows for covered, outdoor space. The Board also aims to avoid expanding on pre-existing non-conformities wherever possible. Since a variance would still be required if this were a square lot, the unusual shape of the lot cannot be a basis for granting a variance.

Motion failed, 3-4.

ROLL CALL VOTE

Yeas: Morganroth, Kona, Reddy

Nays: Canvasser, Hart, Miller, Lilley

Motion by Miller

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

Mr. Miller moved to approve the variance and tied approval to the plans as submitted. He explained the pergola seemed to be a reasonable addition to the home, and that the variance was appropriate due to the irregular shape of the lot. Denying the variance would cause an unreasonable hardship. He continued that the provisions of the ordinance, if strictly applied, would unreasonably from using the property for the requested purpose. Literal enforcement of the chapter would result in an unnecessary hardship in this unique case. This case would not set any precedent going forward. Granting the variance would not be contrary to the spirit and intent of the ordinance, and would result in substantial justice to the property owner. The variance would not have any negative effects on on the adjacent properties, which was reinforced by the letter provided to the Board.

Mr. Reddy stated that similar variance requests have been denied by the Board in the past. He noted that the applicant would still be able to use the patio for its intended purpose. For these reasons, Mr. Reddy did not feel granting of the variance was appropriate.

The Vice Chair said he understood the reasons to grant and to not grant the variance. He concurred with Mr. Miller that this vote would not set a precedent for future decisions, as each variance is analyzed on a case-by-case basis. Since the patio is permitted, and the requested structure would be an open-top one, it was acceptable to grant the variance.

The Chair noted that the City treats similar pergolas as a covered structure. Changing the definition of these pergolas could be addressed by the Commission. In the interest of maintaining consistency with the Board's past decisions, the Chair would not support this motion.

Motion carried, 4-3.

ROLL CALL VOTE

Yeas: Canvasser, Hart, Miller, Lilley

Nays: Morganroth, Kona, Reddy

**3) 1155 Webster
Appeal 25-26**

ABO Erickson presented the item, explaining that the owner of the property known as 1155 Webster was requesting 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.

Larry Bertollini, architect, 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:

- This is a pre-existing, non-conforming home.

Motion by Reddy

Seconded by Miller with regard to Appeal 25-26, 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.

Mr. Reddy moved to approve the variance and tied approval to the plans as submitted. He noted that this is an older, pre-existing, non-conforming home and that the home was slightly askew on the lot. In order to make the addition harmonious with the rest of the home, a variance of six inches was being requested. Strictly applying the ordinance would prevent the appellant from building the requested addition. Literal enforcement of the chapter, in these circumstances, would result in an unnecessary hardship. Granting the variance would not be contrary to the spirit or purpose of the zoning ordinance, and would result in substantial justice to the property owner and neighboring property owners.

Mr. Miller noted that this would have no negative impact on the adjacent property, since it is a commercial parking lot.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

**4) 309 Arlington
Appeal 25-27**

ABO Erickson presented the item, explaining that the owner of the property known as 309 Arlington was requesting 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 answered informational questions from the Board.

Andy Ray, 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 member comments were as follows:

- The changes in the ordinance regarding generators have to do with carbon monoxide safety measures implemented by the City. Given this, it would be challenging for the Board to support a variance in this case.
- The Board is here to enforce the ordinance. Changes can be recommended and discussed at the Commission level.
- It was understandable that the appellant was asking why the generator conduits were inspected and approved for a location that did not comply with the ordinance.
- The Fire Marshal's concern was understandable. There was also a possibility that a variance could be granted.
- It was difficult to understand the landscaping that was in the appropriate generator location without seeing some representation of it.
- Because of the noise generators create, it is often beneficial to install it further away from the home.
- Directional boring could possibly be done without a boring pit.
- Per prior testimony to the Board, Birmingham Fire Department staff have explained that they have had to send firefighters into homes wearing respirators in order to bring out residents who have passed out from carbon monoxide, and that this remained a significant concern for the Fire Department. This has had the potential to be life threatening for City employees and for residents.
- Cost is not a factor the Board considers when weighing whether to grant a variance.
- The newer generator ordinance allowed for pre-existing, non-conforming generator locations unless the Fire Department deems the location hazardous. It might be possible for the generator to be located at least five feet away from the principal structure, even if it is not located in the rear yard.
- The timing of the generator permit vis-a-vis the ordinance change is a consideration as well.

Motion by Miller

Seconded by Canvasser with regard to Appeal 25-27, 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.

Mr. Miller moved to deny the variance. While acknowledging the challenges, approval would require disregarding the recommendations of the Birmingham Fire Department, the City, and the generator manufacturer. These recommendations are based on safety issues for the homeowner and for the adjacent homes, and the Board should not make assumptions about those conditions. This relates to public health,

safety, and welfare, and doing substantial justice to the homeowner and the neighboring properties necessitates the denial of this variance. The cited hardship for the appellant would be removing landscaping, which does not outweigh the potential safety issues.

Mr. Kona said he could not support the motion because the generator would be located the minimum ordinance-required distance from the house. He noted the remaining matter would be the whether the generator would be in the rear or side yard. As a result, this would be a unique circumstance. It also seemed that the City may have granted approval for the generator location in part, during the process of the ordinance being changed. The ordinance also allows some pre-existing, non-conforming generators to remain as long as they are not hazardous. The proposed generator in this case is further from the principal structure than a pre-existing, non-conforming generator may otherwise be. For these reasons, granting the variance should not pose an issue.

The Vice Chair concurred with Mr. Kona. The approval of the generator's electrical conduits is in the appellant's favor as well. The appellant was justified in relying on that approval for the installation of the generator. In addition, the changes in the ordinance occurring during this approval process created a unique set of circumstances. Because the distance does not result in a safety issue in this case, granting the variance to allow the generator in the side yard should be acceptable.

Mr. Reddy said he would support the motion since the Fire Marshal opposed installation of the generator in this location.

The Chair supported the motion because the City indicated that the appellant applied for the generator permit itself after the ordinance was changed. The new ordinance was also done with the support of the Fire Marshal. Furthermore, the generator has not yet been installed.

Motion carried, 5-2.

ROLL CALL VOTE

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

Nays: Kona, 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 8:56 p.m.



Laura Eichenhorn, City Transcriptionist

Jeff Zielke, Building Official

DRAFT

CASE DESCRIPTION

1061 Forest (25-28)

Hearing date: November 18, 2025

Appeal No. 25-28: The owner of the property known **1061 Forest**, requests the following variances 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 52.50 feet. The proposed is 9.80 feet. Therefore, a variance of 20.20 feet is being requested.
- B. Chapter 126, Article 4, Section 4.61(A) A corner lot which has on its side street an abutting interior residential lot shall have a minimum setback from the side street equal to the minimum front setback for the zoning district in which such building is located. A covered porch and stairs is being proposed. The required setback is 29.50 feet the proposed is 21.50 feet. Therefore, an 8.00 feet variance 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, and side of the home. Variances were granted in both 2021 and 2022. See minutes attached.

This property is zoned R2 – Single family residential.

Andrew Erickson
Assistant Building Official

CHAPTER 126 - ZONING

ARTICLE 8: ENFORCEMENT AND PENALTIES

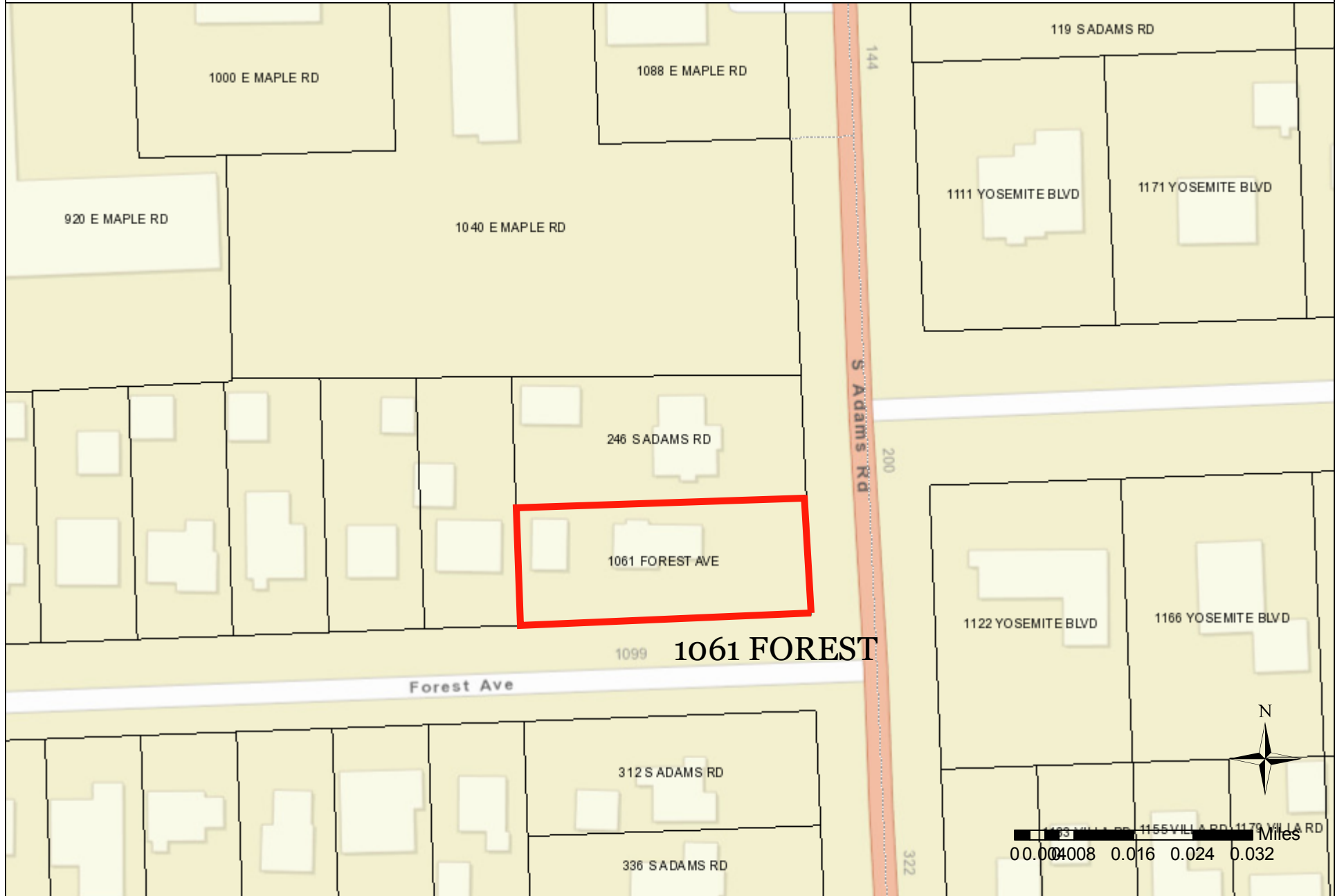
8.01 The Board of Zoning Appeals

3. Variances.

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

(EACH i-iv must be satisfied)

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

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
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I. PROPERTY INFORMATION:

Address: 1001 FOREST LANE	Lot Number: #4	Sidwell Number: 19-36-227-026
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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 12th day of the month preceding the next regular meeting. Please note that incomplete applications will not be accepted.

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

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

Variance Chart Example

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

V. REQUIRED INFORMATION CHECKLIST:

Please provide the following in your electronic submission:

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

VI. APPLICANT SIGNATURE

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

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

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

Signature of Owner: 

Date: 8-01-25

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

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

C. The order of hearings shall be:

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

D. Motions and Voting

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

ARTICLE II - Results of an Appeal


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

ARTICLE III - Rehearings

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

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

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


Signature of Applicant

VanBrouck & Associates

360 Hamilton Row
Birmingham, Michigan 48009

REVISED: October 31, 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 existing South facing, main entry porch cover to the house is moving to the West slightly and will also require an 8.0 foot side yard setback variance. The size and projection of this porch cover will remain exactly the same, however. Neighboring porches to the West are in the front yard. The porch was approved by the BZA previously for the side yard setback encroachment.

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:

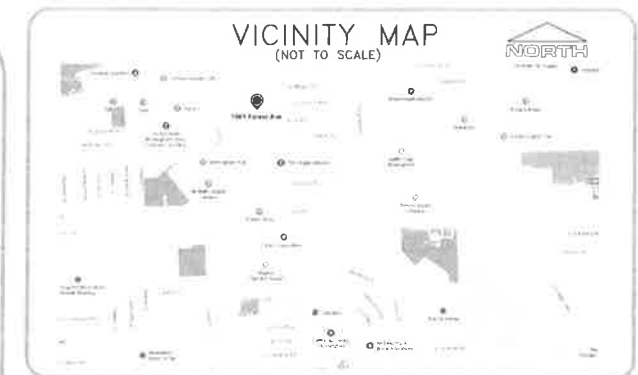
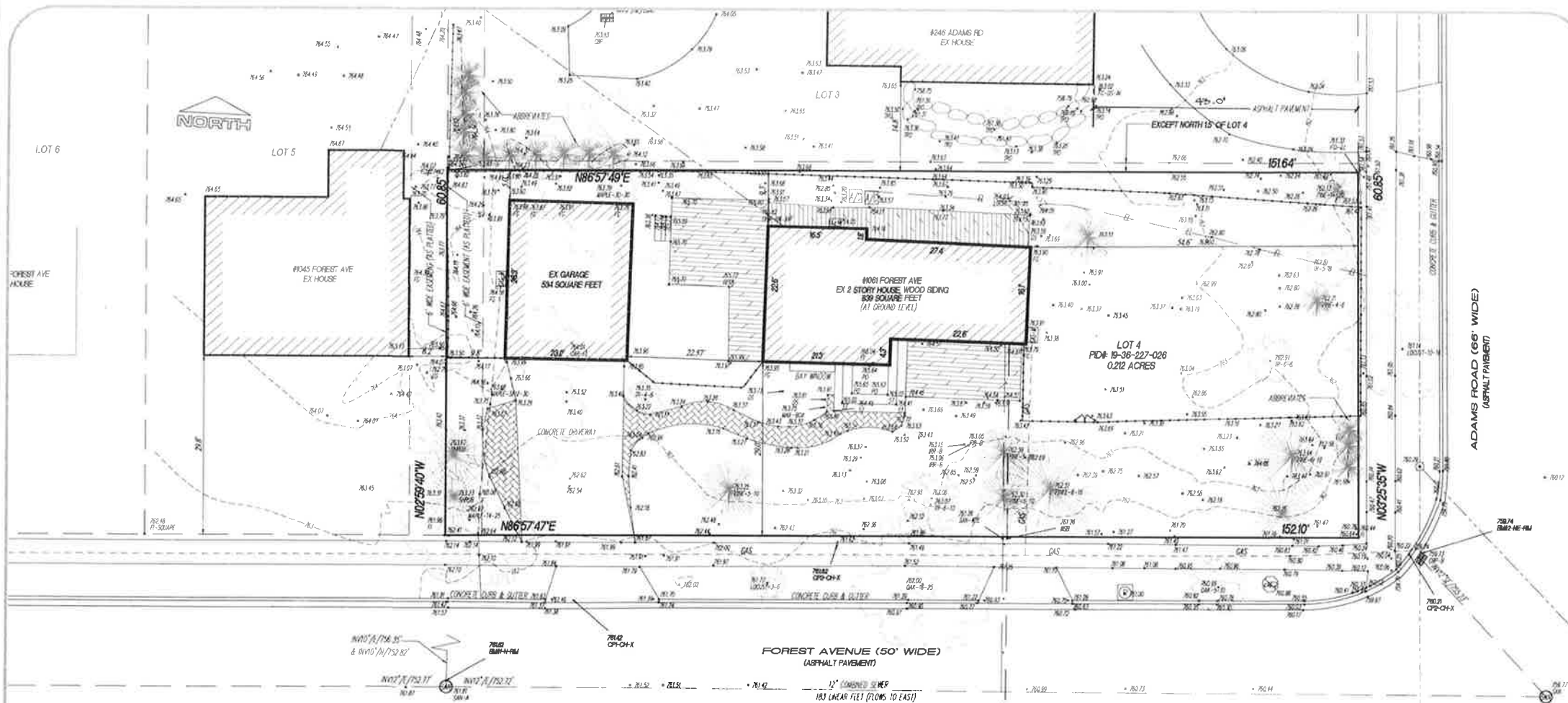
- A. Unique Circumstances. This property has a unique configuration with the two front yard setbacks and no back yard in its current configuration. The house and the existing detached garage are both non-conforming with their position set roughly 7" within the South Front setback. The back yard of the 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' and an 8.0' to the side yard setback. 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. (NAV88)
- AB-SB Land Survey, P.C. retains the sole ownership of this document as an instrument of service and it can not be reused nor reproduced without written permission and additional compensation. Copyright © 2025 AB-SB Land Survey, P.C.

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'
- #1067 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. 26016B, 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-BFT SPREAD
 - TOWN/RANGE
 - UBER/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'

PAGE: 1 OF 1

JOB NUMBER: 2025-05-17-162-CE DRAWN: MB

FIELD: MB CHECKED: MB

REVISIONS: 09-25-25 DATE: 1-20-2023

CLIENT: Mr. & Mrs. Nick & Clodagh Green

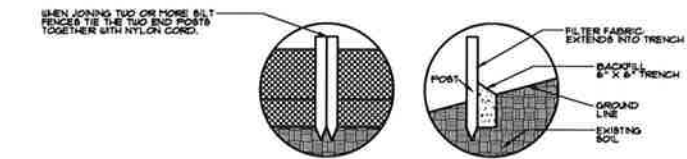
ADDRESS: EXISTING
 1061 Forest Avenue
 Birmingham, MI, 48009

TEL: (248)-550-9505
 FAX:

GENERAL CONSTRUCTION NOTES

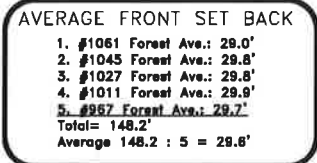
- DO NOT SCALE DRAWINGS, USE PRINTED DIMENSIONS ONLY. IF ANY DISCREPANCY OCCURS NOTIFY THE ARCHITECT IMMEDIATELY FOR CLARIFICATION.
 - CONTRACTOR SHALL VERIFY ALL CONDITIONS, INCLUDING UNDERGROUND UTILITIES AND FIELD MEASUREMENTS AT THE JOB SITE AND REPORT ANY DISCREPANCIES TO THE ARCHITECT BEFORE PROCEEDING WITH ANY WORK.
 - ALL POURED CONC. FOOTINGS TO BE A MINIMUM OF 3'-6" BELOW PROPOSED FINISH GRADE, AND SHALL BEAR ON UNDISTURBED SOIL. ADDITIONAL DEPTH MAY BE 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, SHORING, BRACING, AND ALL TEMPORARY SUPPORTS AS REQUIRED DURING EXCAVATIONS TO PROPERLY SUPPORT SIDES OF EXCAVATIONS.
 - PROTECT ALL EXISTING WORK AND WORK IN PROGRESS.
 - COMPLY FULLY WITH REQUIREMENTS OF OSHA AND OTHER REGULATORY AGENCIES FOR ALL SAFETY PROVISIONS.
 - ALL CONCRETE TO ACHIEVE COMPRESSIVE STRENGTH OF 3600 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 TRAMMIX FOR CONCRETE. 60/100 + 3' - 4'.
 - ALL REINFORCING SHALL CONFORM TO ASTM A-63 GRADE #6, FABRICATED AND ERECTED ACCORDING TO ACI STANDARDS.
 - WELDED WIRE FABRIC SHALL BE FURNISHED IN FLAT SHEET AND SHALL CONFORM TO ASTM A-188 AND SHALL HAVE A MINIMUM SIZE AND END LAP OF 8'.
 - THE ROUGH CARPENTRY CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS PRIOR TO THE START OF FABRICATION OR CONSTRUCTION AND NOTIFY THE ARCHITECT OF ANY DISCREPANCIES.
 - ALL LUMBER AND FRAMING TECHNIQUES SHALL CONFORM TO APPLICABLE SECTIONS OF THE LATEST SPECIFICATIONS FOR STRESS GRADE LUMBER AND ITS FASTENERS. ALL WORK SHALL CONFORM WITH THE TRUSS PLATE INSTITUTE, AMERICAN PLYWOOD ASSOCIATION, TRUSS JOIST MANUFACTURER 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 (18d) FOR EACH WOOD LBS. OR AXIAL LOAD ON EACH SUPPORT END. POST BASE AND SUPPORT SHALL PROVIDE SUFFICIENT BEARING WITH ENGINEER APPROVED METAL CONNECTOR AND/OR TWO (2) TOE NAILS FOR EACH WOOD LBS. OF AXIAL LOAD OR SUPPORT STD.
 - ALL LUMBER BEARINGS SHALL PROVIDE SUFFICIENT AREA SO AS NOT TO EXCEED 450 PSI.
 - ALL SHEATHED STUDS SHALL BE LIMITED TO 2250 LBS. OF AXIAL LOAD.
 - ALL FLOOR JOISTS, PARTERS, STUDS, CEILING JOIST, AND BLOCKING TO BE 2 OR BETTER HEM FIR UNLESS OTHERWISE NOTED. FLOOR JOISTS TO HAVE 1 X 3 CROSS BRIDGING 8'-0" ON CENTER.
 - ALL BUILT UP WOOD POSTS, BEAMS AND GIRDERS SHALL BE NAILED AND/OR BOLTED PER LBS.
 - 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 | 7 PSF | |
| BOTTOM CHORD | LIVE LOAD | 0 PSF | |
| | DEAD LOAD | 10 PSF | |
| | TOTAL | 47 PSF | |
- NAILING SCHEDULE FOR PLYWOOD SHEATHING: 18d NAILS AT 6" ON CENTER AT DIAPHRAGM BOUNDARY AND ALONG END SUPPORTING MEMBERS, 16d NAILS AT 12" ON CENTER ALONG INTERMEDIATE FRAMING MEMBERS.
 - MICRO-LAP BEAMS (1.1.1.1) SHALL BE BY TRUSS JOIST MANUFACTURER 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 NUMBERS REFER TO MANUFACTURER INDICATED ON THE PLANS. IF AN ALTERNATE WINDOW MANUFACTURER IS USED, ALL SIZES AND RIZES SHALL MATCH IN ALL DIMENSIONS. EVERY SLEEPING RTY 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. PER THE MINIMUM NET CLEAR OPENING MOUTH SHALL BE AT LEAST 20" AND MINIMUM NET CLEAR OPENING HEIGHT OF AT LEAST 24" PER THE CURRENT MICHIGAN RESIDENTIAL BUILDING CODE.
 - ALL MASONRY VENEER WALLS TO BE PROVIDED WITH WALL TIES AND WEEP HOLES PER CURRENT CODE AS OUTLINED IN THE CURRENT MICHIGAN RESIDENTIAL BUILDING CODE.
 - ALL STAIRWAYS, STAIRWAY GUARDS, HANDRAILS, BALUSTERS, HEADROOM DIMENSIONS, RISERS AND TREADS SHALL COMPLY WITH ALL CODE REQUIREMENTS AS OUTLINED IN THE CURRENT MICHIGAN RESIDENTIAL BUILDING CODE.
 - PROPERLY VENTILATE ROOF SO THERE IS A CROSS-VENTILATION WITH ROOF VENTS AND SOFFIT VENTS PER THE CURRENT MICHIGAN BUILDING CODE. CONTINUOUS ROOF RIDGE VENT SHALL BE BY MID-AMERICA BUILDING PRODUCTS, PLYMOUTH MICHIGAN (800) 521-8476. PROVIDE AN UNDERLAYMENT OF 3/8" FELT UNDER SHINGLES AND A LAYER OF GRAVE ICE AND WATER SHIELD FROM EAVE TO ENTIRE LENGTH OF ROOF (100% OF ROOF ENTIRELY). SEE WALL SECTION FOR ICE SHIELD DETAIL. INSULATION IS TO BE PROVIDED WITH A VAPOR BARRIER ON THE WARM SIDE SURFACE. NET FREE VENTILATION AREA REQUIRED IS 1/800TH OF THE AREA BEING VENTILATED. 1/800TH OF THAT AREA SHALL BE IN THE UPPER PORTION OF THAT SPACE. THE REMAINDER VENTILATION IS TO BE PROVIDED BY CONTINUOUS SOFFIT VENTS, EAVE VENTS AND CROSS VENTS.
 - ALL CONCRETE FLAT WORK SHALL BE PLACED ON 4" OF COMPACTED SAND.
 - PROVIDE ALL NECESSARY UNDERPINNING AND BRACING AS REQUIRED TO PROPERLY INSTALL NEW FOOTINGS.
 - PROVIDE WATERPROOFING ASPHALTIC PARKING COATING BELOW GRADE IF REQUIRED.
 - THE CONTRACTOR SHALL PROVIDE WRITTEN CHANGE ORDERS DOCUMENTING ADDITIONAL WORK OR DELETION OF WORK PRIOR TO THE CHANGE EFFORT ON THE JOB.
 - LOTS AND STREET SHALL BE MAINTAINED FREE OF DIRT AND DEBRIS DURING CONSTRUCTION.
 - PLASTER AND TAP ALL BRICK BELOW GRADE.
 - PROPERLY VENT CRACK 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 1/8" PER THE CURRENT MICHIGAN RESIDENTIAL BUILDING CODE.
 - BALCONY GUARDS SHALL BE BALUSTERS SPACED NO FARTHER THAN 4" APART PER THE REQUIREMENTS OF THE CURRENT MICHIGAN RESIDENTIAL BUILDING CODE.
 - PROVIDE 2X10 DOUBLE HEADER AT ALL INTERIOR DOOR OPENINGS AND 2X10 TRIPLE HEADER AT ALL EXTERIOR DOOR AND WINDOW OPENINGS (UNLESS OTHERWISE SPECIFIED).
 - PROVIDE METAL STRAPPED UNDERBRACING AT EACH END OF EXTERIOR WALLS (TYPICAL).
 - PROVIDE ELECTRICALLY POWERED SMOKE DETECTORS ON EACH LEVEL, IN EACH BEDROOM AND BEDROOM HALLWAYS. UNITS ARE TO BE WIRED SO IF ONE SOUNDS, THEY ALL SOUND. ALL SHALL HAVE BATTERY BACK UP PER THE CURRENT MICHIGAN RESIDENTIAL BUILDING CODE SECTION 901.
 - ALL WORK SHALL CONFORM TO THE REQUIREMENTS OF THE CURRENT MICHIGAN RESIDENTIAL BUILDING CODE.
 - FIRESTOP ALL DROPPS + CHASES, ELECTRICAL, PLUMBING + HEATING. APPROVED FIRESTOP MATERIAL REQUIRED FOR ALL DROPPS + 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 N102.1 OF THE 2015 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 OWNERS EQUAL. SPECIFICATION SHOULD INCLUDE THREE COLORS AND COMPLETE CALLING 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, 1-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 BLOAM IN PRODUCT.

GEOTEXTILE SILT FENCE



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



SEQUENCE OF EROSION AND SEDIMENTATION CONTROL OPERATIONS

- PRIOR TO OR AS THE FIRST STEP IN CONSTRUCTION A DEFENSE AGAINST EROSION AND SEDIMENTATION SHALL BE INSTALLED AS INDICATED ON DRAWINGS. DEFENSE SHALL CONSIST OF STONE FILTERS OR SILT FENCE AS SHOWN. AFTER TREE REMOVAL ADDITIONAL SILT FENCE SHALL BE INSTALLED IF REQUIRED AS DIRECTED BY THE TRINGUALITY.
- 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 EROSION AND SEDIMENT AT ALL TIMES.
- WITHIN 30 DAYS AFTER COMPLETION OF PAVING, GAS, ELECTRICAL, TELEPHONE AND SANITARY SEWER INSTALLATION, A 6 FOOT STRIP AROUND PAVED AREAS SHALL BE PROTECTED FROM EROSION BY AN APPROVED METHOD CONSISTENT WITH THE GRADING SEASON.
- WITHIN 5 DAYS AFTER COMPLETION OF FINAL GRADING, DENuded 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 PEGGLE
- 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, 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)

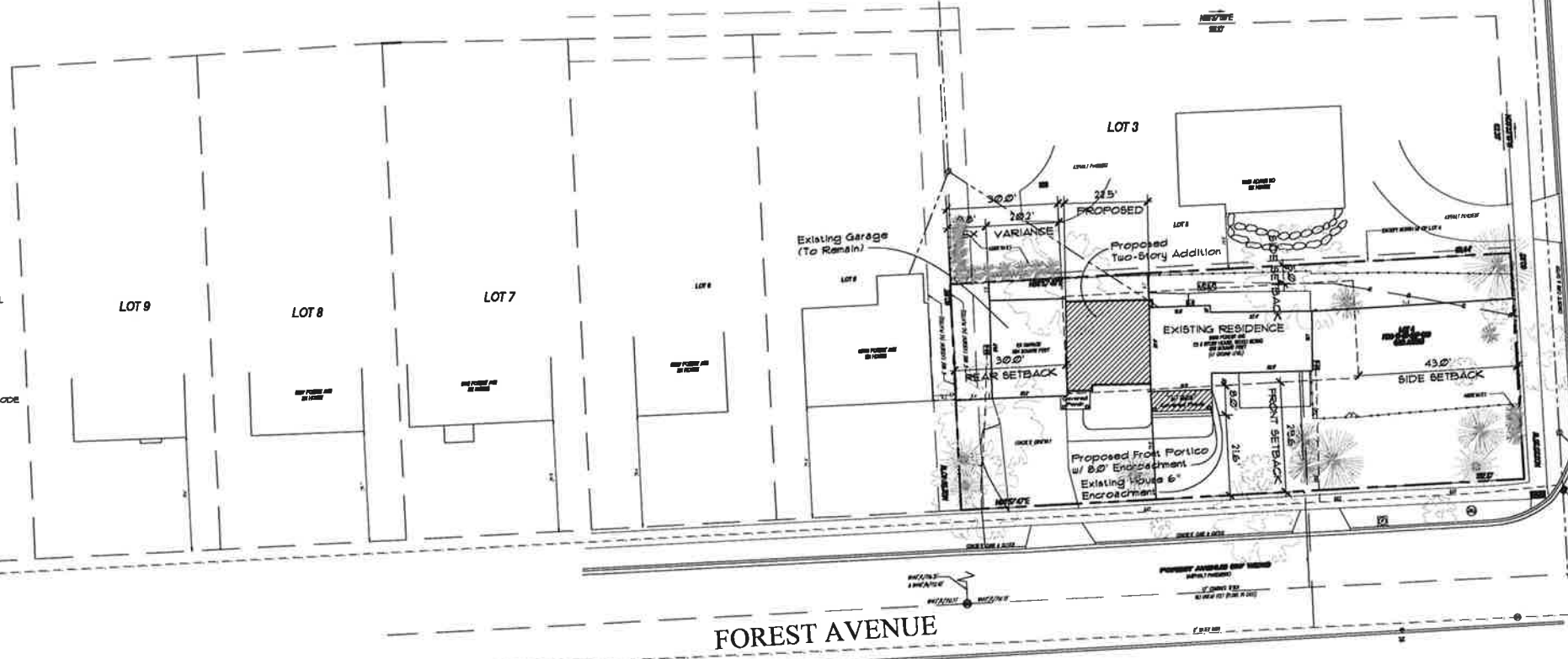
- EAST SETBACK: 43.0'
NORTH SETBACK: 5.0'
SOUTH SETBACK: 26.6' (20' Avg.)
WEST SETBACK: 30.0'
- ZONE: R-1
USE GROUP: R-3
CONSTRUCTION TYPE: 9B COMBUSTIBLE UNPROTECTED

LOT COVERAGES:

- BUILDING COVERAGE = 9241 SQ. FT. LOT + 1841 SQ. FT. PROVIDED OR 19.3% OVERALL
- OPEN AREA = 9241 SQ. FT. LOT + 1400 SQ. FT. PROVIDED OR 80.1% OVERALL

VARIANCE CHART

REQUESTED VARIANCE	REQUIRED (ALLOWED)	EXISTING	PROPOSED	VARIANCE AMOUNT
VARIANCE A, REAR SETBACK	30.0'	9.8'	9.8'	20.2'
VARIANCE B, SIDE SETBACK	29.6'	21.6'	21.6'	8.0'



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

ALL INFORMATION ON THESE DRAWINGS IS THE PROPERTY OF KEVIN D. HART, AIA. NO PART OF THESE DRAWINGS IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF KEVIN D. HART, AIA.

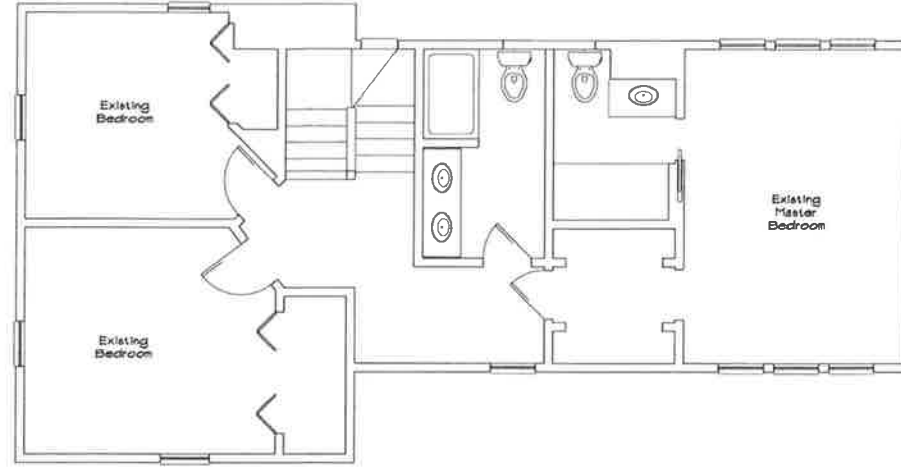
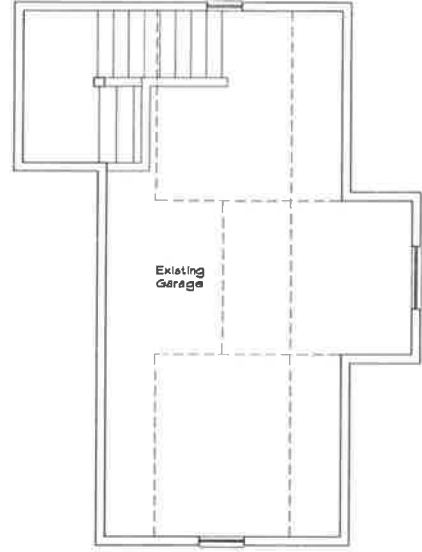
ISSUED FOR:
08-07-2025
09-24-2025
10-29-2025
10-30-2025

GREEN RESIDENCE
BIRMINGHAM, MICHIGAN

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

KEVIN D. HART, AIA
ARCHITECT
100 EAST WALKER, SUITE 101, BIRMINGHAM, MI 48009
TELEPHONE: 248-550-9505
FAX: 248-550-9506

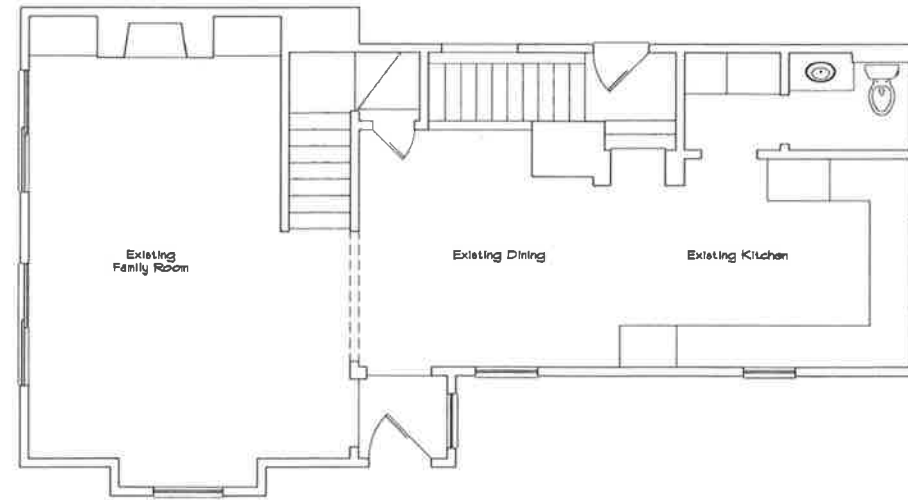
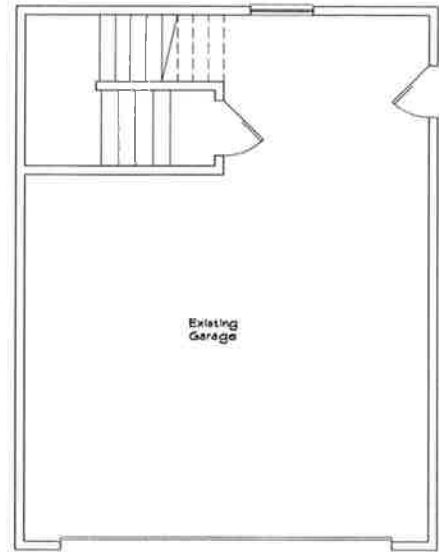
SHEET NO.
BZA-1



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



NORTH



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



NORTH

PLEASE DO NOT SCALE DRAWINGS
DATE: 07/14/05
DRAWN BY: J. H. HARRIS, INC.
CHECKED BY: J. H. HARRIS, INC.
PROJECT NO.: 05-23-25
DATE: 07-15-05

ISSUED FOR:
05-23-25
08-11-25
07-15-05

GREEN RESIDENCE

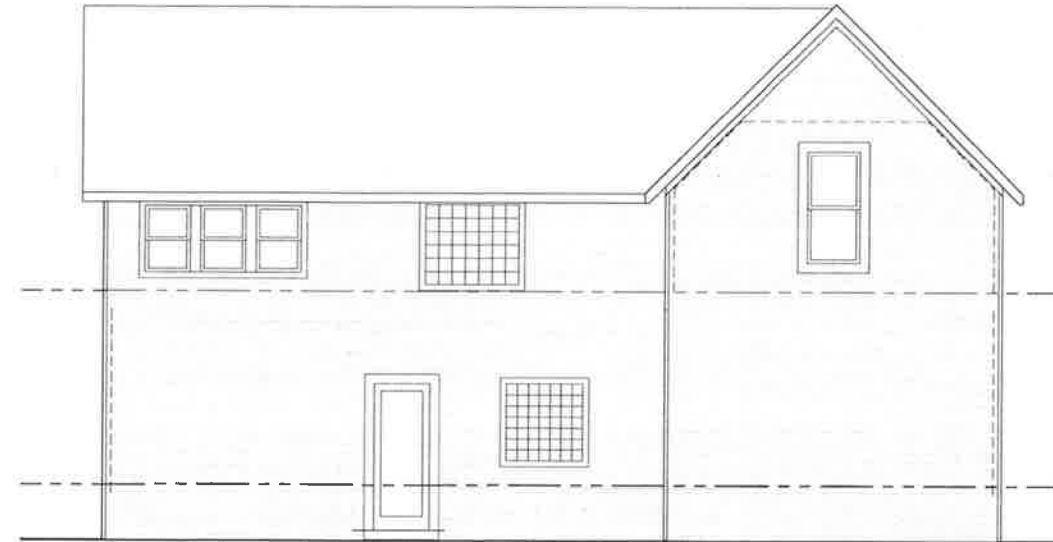
CLIENT:
CLODAGH AND NICHOLAS GREEN
1061 FOREST LANE
BIRMINGHAM, MI 48009
248-550-9505



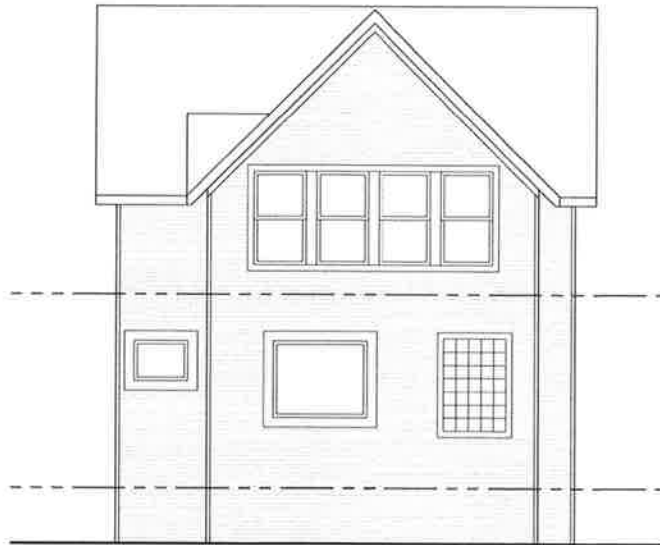
SHEET NO.
BZA-2



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



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



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

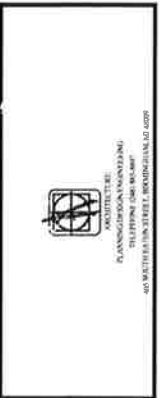


EXISTING FRONT ELEVATION
SCALE: 1/4" = 1'-0"

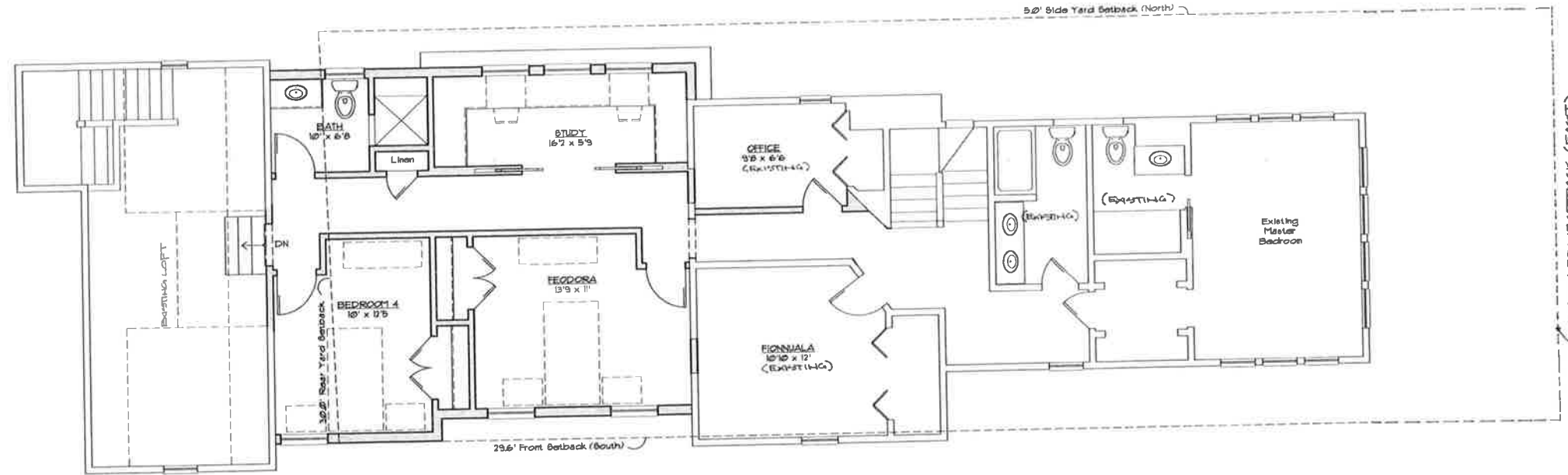
ISSUED FOR:
08-23-25
09-23-25

GREEN RESIDENCE

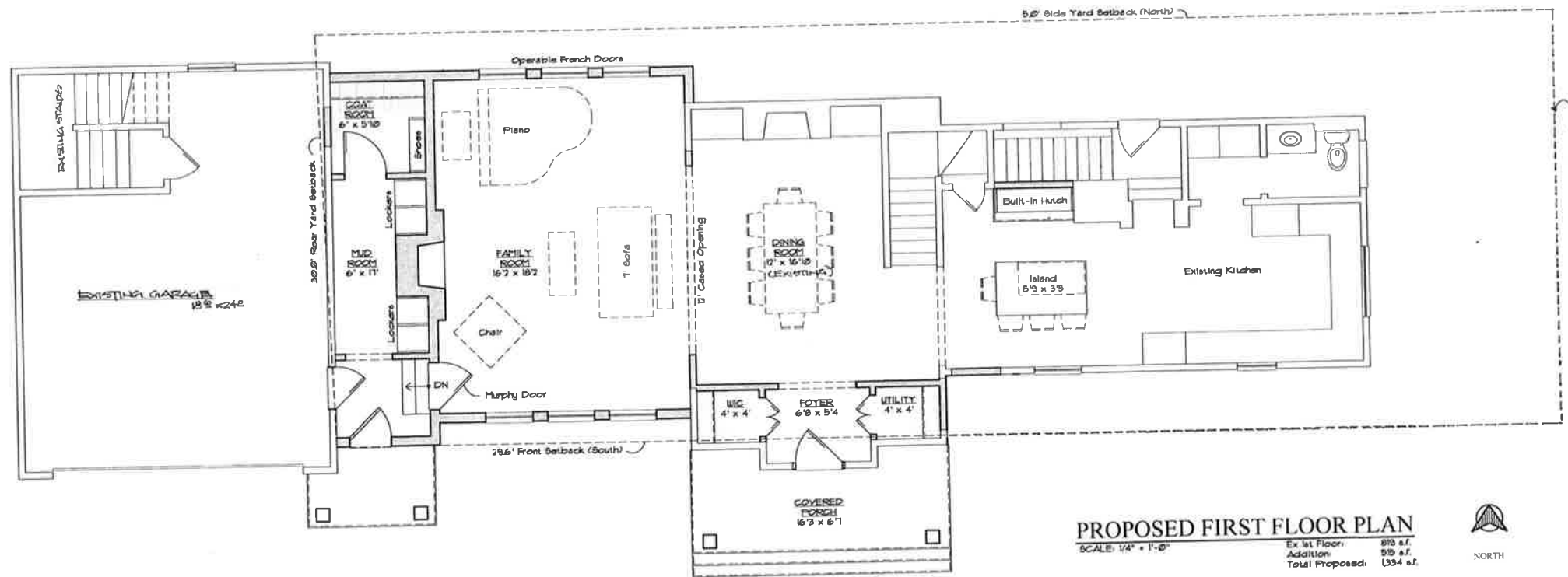
CLIENT:
CLODAGH AND NICHOLAS GREEN
1061 FOREST LANE
BIRMINGHAM, MI 48009
248-550-9505



SHEET NO.
BZA-3



PROPOSED SECOND FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 Ex 2nd Floor: 193 s.f.
 Addition: 409 s.f.
 Total Proposed: 1398 s.f.



PROPOSED FIRST FLOOR PLAN
 SCALE: 1/4" = 1'-0"
 Ex 1st Floor: 875 s.f.
 Addition: 55 s.f.
 Total Proposed: 1334 s.f.

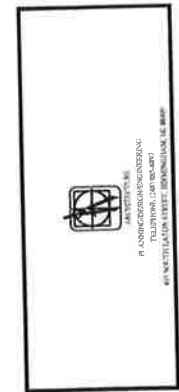


Total Proposed 1st and 2nd: 2,732 s.f.
 *Does Not Include Garage 2nd Floor
 Square Footage (330 s.f.)

ISSUED FOR:
 06-10-25
 06-16-25
 06-18-25
 07-11-25
 08-11-25
 09-24-25
 04-25-25

GREEN RESIDENCE

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



SHEET NO.
BZA-4



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



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

PLEASE REFER TO ALL DRAWINGS
FOR
DATE
BY
REVISIONS
BY
DATE

ISSUED FOR:
06-16-25
06-18-25
07-18-25
09-21-25
09-26-25

GREEN RESIDENCE

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



ARCHITECTURE
PLANNING
INTERIORS
LANDSCAPE ARCHITECTURE
P.L.L.C.
1000 NORTH AVENUE
ANN ARBOR, MI 48106
734-975-1000

SHEET NO.

BZA-5

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

1. Call To Order

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

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



Bruce R. Johnson, Building Official



Laura Eichenhorn

City Transcriptionist

CASE DESCRIPTION

925 LARCHLEA (25-29)

Hearing date: November 18, 2025

Appeal No. 25-29: The owner of the property known **925 Larchlea**, requests the following variance to construct an addition to the existing home:

A. Chapter 126, Article 2, Section 2.06.2 of the Zoning Ordinance requires that a minimum total combined side yard setbacks to be 14.00 feet or 25% of the lot width, whichever is larger. The required is 18.75 feet. The proposed is 13.90 feet. Therefore, a variance of 4.85 feet is being requested

Staff Notes: The applicant is seeking a variance to construct a second story addition to the existing non-conforming home that was constructed in 1950.

This property is zoned R1 – Single family residential.

Andrew Erickson
Assistant Building Official

CHAPTER 126 - ZONING

ARTICLE 8: ENFORCEMENT AND PENALTIES

8.01 The Board of Zoning Appeals

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

(EACH i-iv must be satisfied)

925 LARCHLEA MAP



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

APPLICATION FOR THE BOARD OF ZONING APPEALS

Received Date: _____

Hearing Date: _____

Received By: _____

Appeal #: _____

Type of Variance:	<input type="checkbox"/> Interpretation	<input checked="" 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: 925 Larchlea Drive	Lot Number: 136	Sidwell Number: 08-19-35-180-011
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II. OWNER INFORMATION:

Name: Rick Kastler			
Address: 925 Larchlea Drive	City: Birmingham	State: MI	Zip code: 48009-2938
Email: * rick@kastlerconstruction.com		Phone: 248-379-2377	

III. PETITIONER INFORMATION:

Name: Rick Kastler	Firm/Company Name: Kastler Construction Inc.		
Address: 425 S. Main Street	City: Clawson	State: MI	Zip code: 48017
Email: rick@kastlerconstruction.com		Phone: 248-379-2377	

IV. GENERAL INFORMATION:

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

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

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

Variance Chart Example

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

V. REQUIRED INFORMATION CHECKLIST:

Please provide the following in your electronic submission:

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

VI. APPLICANT SIGNATURE

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

Signature of Owner: _____

Date: 10/09/25

Signature of Petitioner: _____

Date: 10/09/25

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

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

C. The order of hearings shall be:

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

D. Motions and Voting

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

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

ARTICLE II - Results of an Appeal


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

ARTICLE III - Rehearings

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

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

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



Signature of Applicant

SKETCH OF SURVEY

AVERAGE FRONT SETBACK:

- #799 = 41.6'
- #827 = 41.3'
- #855 = 40.9'
- #883 = 41.4'
- SITE
- #939 = 41.3'
- #955 = 41.6'
- #1005 = 41.6'
- #1055 = 38.1'
- AVG. = 40.98'

PART OF THE SOUTHWEST 1/4 SECTION 26, T. 2N, R. 10E.,
CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN.

"ASSESSOR'S
PLAT NO. 23."
L. 30,
PG. 53
OF PLATS,
O.C.R.

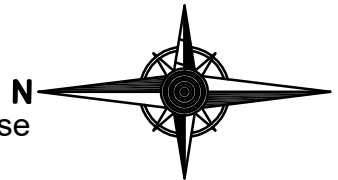
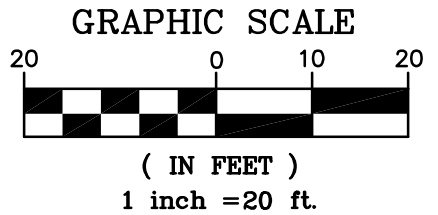
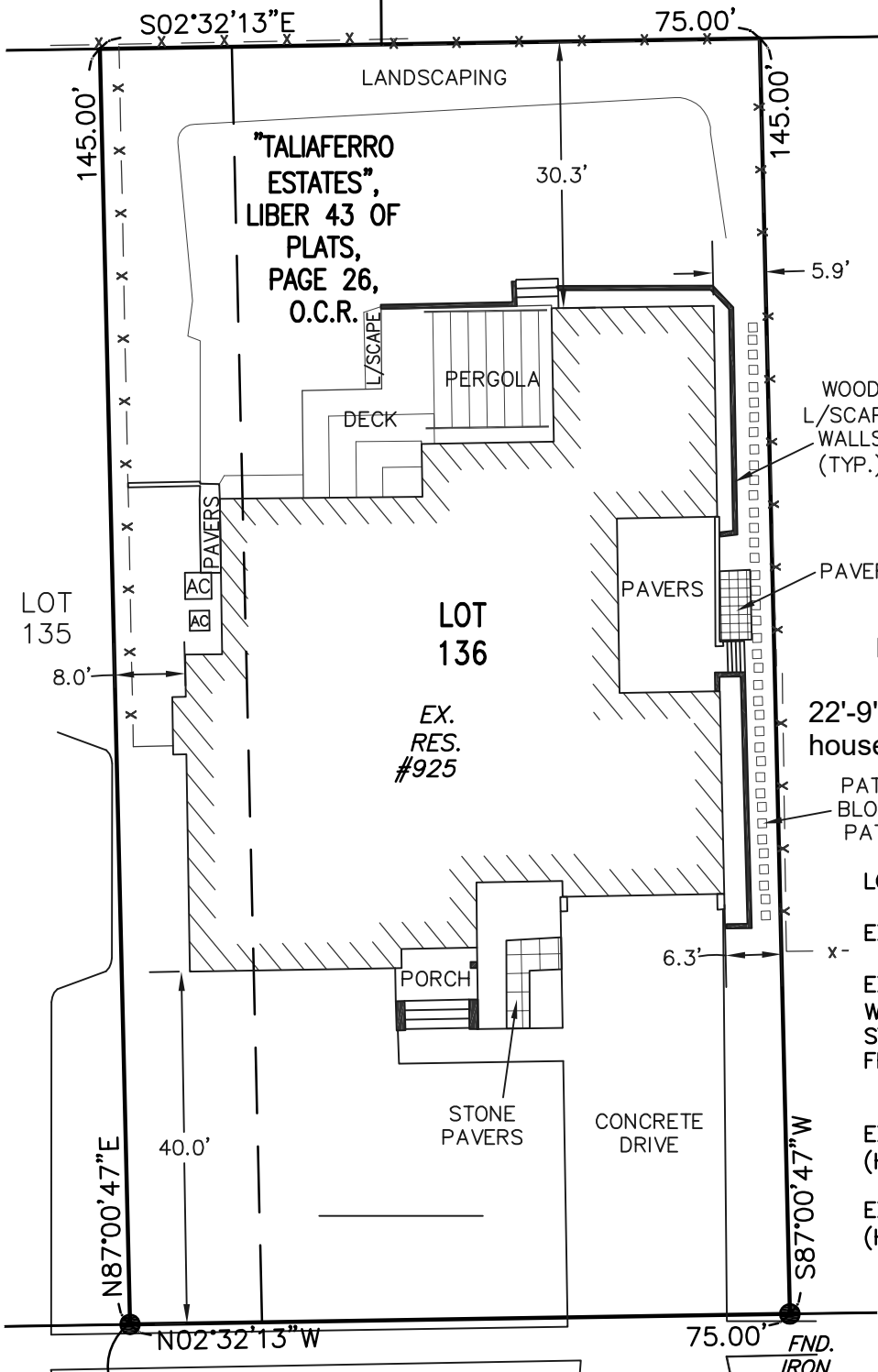
LOT 26

LOT 25

PROPERTY DESCRIPTION:

(PER CITY OF BIRMINGHAM ASSESSING)
PARCEL NO. 19-35-180-011
#925 LARCHLEA DRIVE

LOT 136 OF "TALIAFERRO ESTATES", A
SUBDIVISION OF PART OF THE NORTH
NORTHWEST 1/4 OF SECTION 35, T.2N.,
R.10E., CITY OF BIRMINGHAM, OAKLAND
COUNTY, MICHIGAN, AS RECORDED IN
LIBER 43 OF PLATS, PAGE 26, OAKLAND
COUNTY RECORDS.



LOT AREA = 10,875 SQ. FT.

EX. HOUSE/GARAGES = 3,187 SQ. FT.

EX. PORCH/DECK/LANDSCAPE
WALLS, CONCRETE AND BRICK/
STONE PAVING SURFACES &
FRONT PORCH = 1,838 SQ. FT.

EXISTING IMPERVIOUS SURFACES
(HOUSE & GARAGES) COVERAGE = 29.3%.

EXISTING IMPERVIOUS SURFACES
(HARD SURFACES & WALLS) = 16.9%

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE SURVEYED AND
MAPPED THE LAND ABOVE PLATTED AND/OR
DESCRIBED ON 7/5/2025 AND THAT THE RATIO
OF CLOSURE ON THE UNADJUSTED FIELD
OBSERVATIONS OF SUCH SURVEY WAS LESS
THAN 1/5000.



PAUL W. KINNUNEN, P.S. #4001048781

REV. 8/26/2025

LEGEND

- FOUND IRON
- SET IRON
- EXISTING FENCE
- X

NOTES:

1. NO TITLE POLICY SUPPLIED BY HE CLIENT. EASEMENTS MAY EXIST AND ARE NOT SHOWN.
2. BEARINGS ARE BASED ON "TALIAFERRO ESTATES".

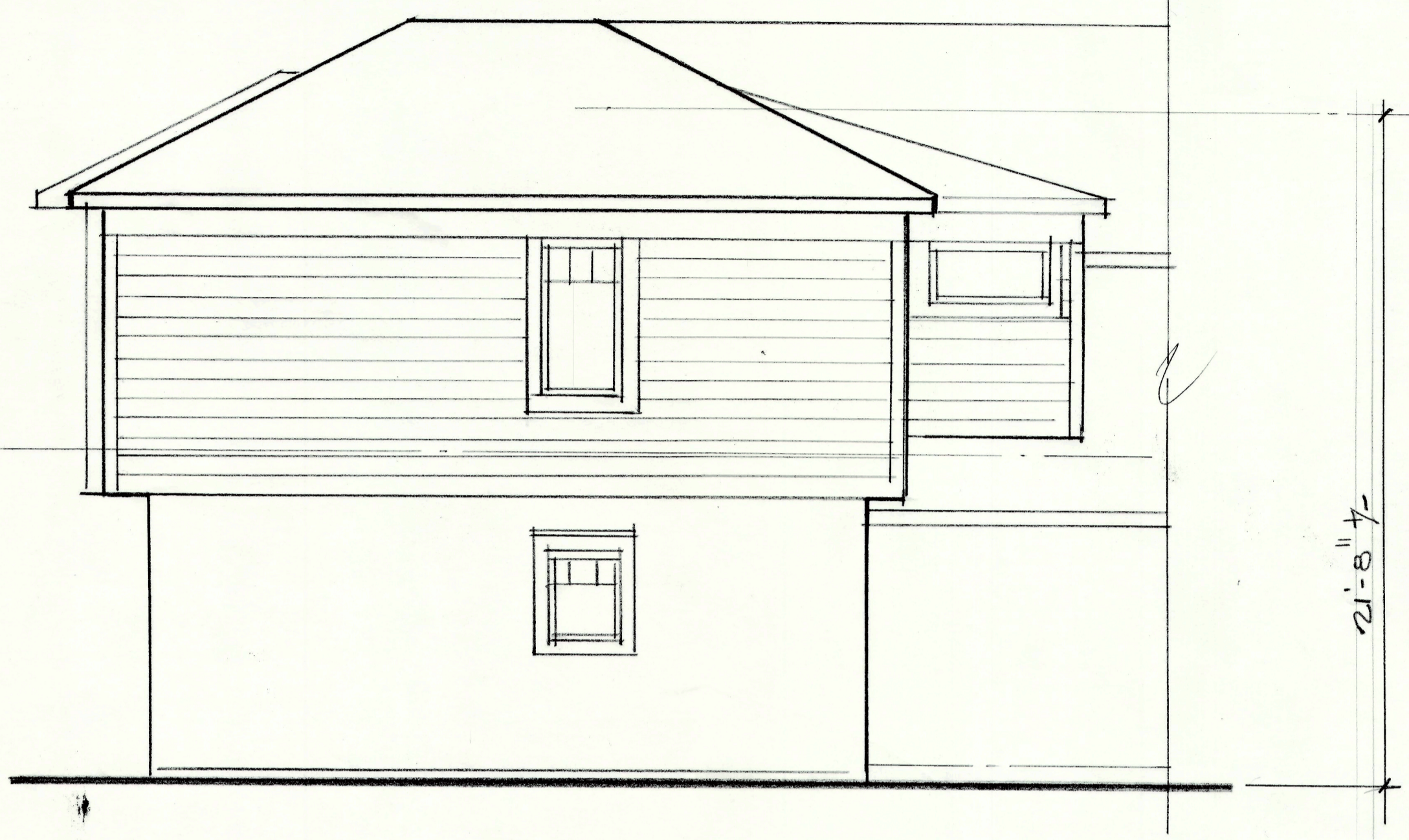
LINE & DISTANCE, LLC.

P.O. BOX 85095 WESTLAND, MI 48185 PH: 313.350.0412
Email: pwk_2190@yahoo.com

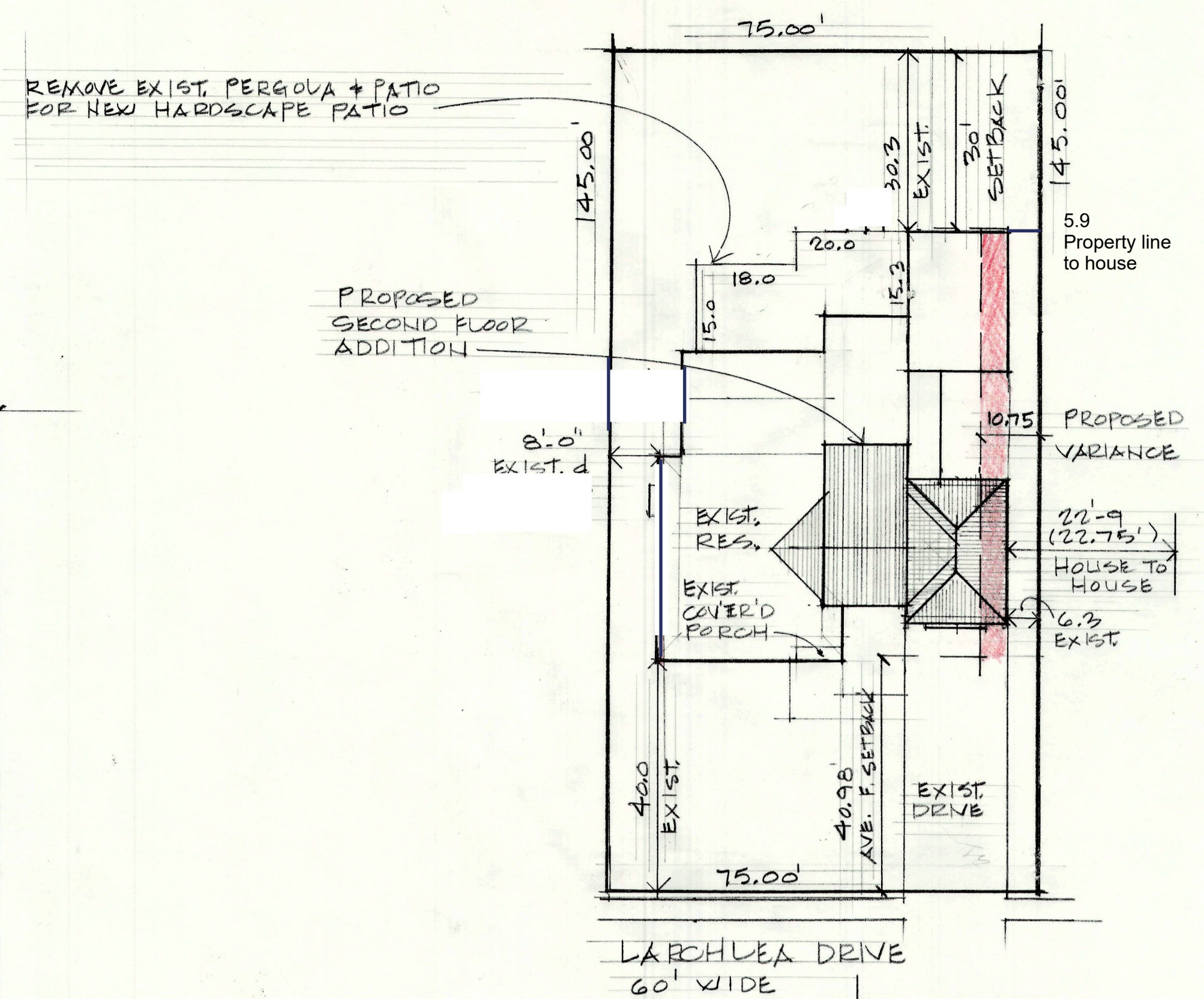
DATE: 7/11/2025
DRAWN BY: MGB
SCALE: 1" = 20'

DWG. NO.
1 OF 1

DATE:
 7-19-25
 10-9-2025
 10-29-25



(SOUTH) PROPOSED VARIANCE SIDE
 SCALE: 1/4" = 1'-0"



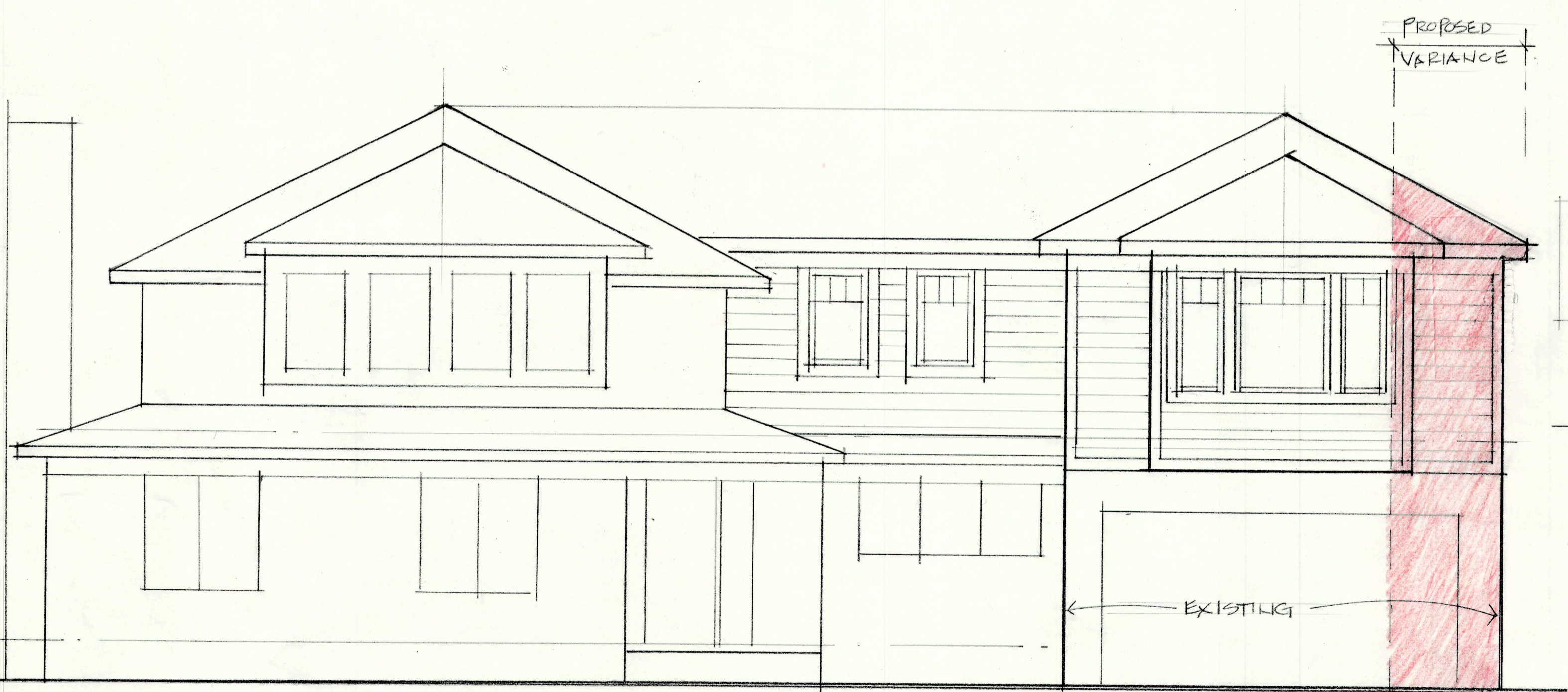
SITE PLAN
 SCALE: 1" = 20'
 SURVEY BY: LINE # DISTANCE LLC

ZONING: R-1
 LOT SIZE: 10,875 S.F.
 $30\% = 3,262.5$ ALLOWABLE LOT COVERAGE S.F.
 $40\% = 4,350.0$ ALLOWABLE OPEN SPACE
 6,525.0

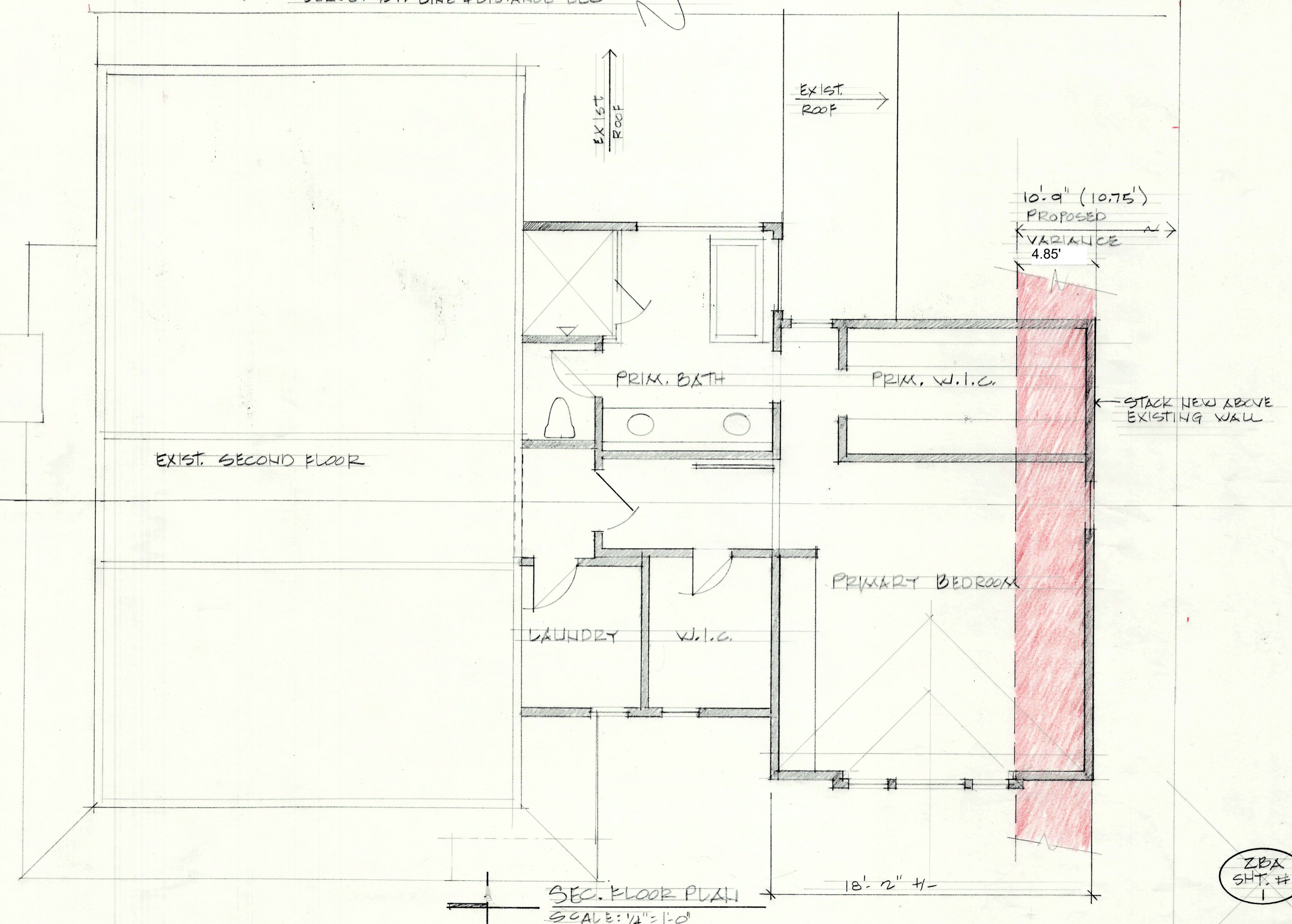
EXIST. HOUSE & GARAGE FOOTPRINT: 3,187.00 S.F.
 EXIST. COVER'D FRONT PORCH: 16.00 S.F.
 PROPOSED CANTILEVER ADDITION: 59.00 S.F.
 TOTAL: 3,262.00 S.F.

OPEN SPACE LIST:

EXIST. HOUSE & GARAGE	3,187.00 S.F.
EXIST. FRONT PORCH	16.00 S.F.
PROPOSED CANTILEVER ADDITION	59.00 S.F.
EXIST. FRONT SIDEWALK	126.00 S.F.
EXIST. DRIVEWAY	828.00 S.F.
EXIST. COURTYARD PATIO	709.00 S.F.
PROPOSED REAR YARD PATIO	609.00 S.F.
TOTAL COVER'D	5,034.00 S.F.
TOTAL OPEN	5,841.00 S.F.



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



SEC. FLOOR PLAN
 SCALE: 1/4" = 1'-0"

ZBA
 SH. #
 1

Project:
Residence
 925 Larchlea Drive
 Birmingham, MI
 48009

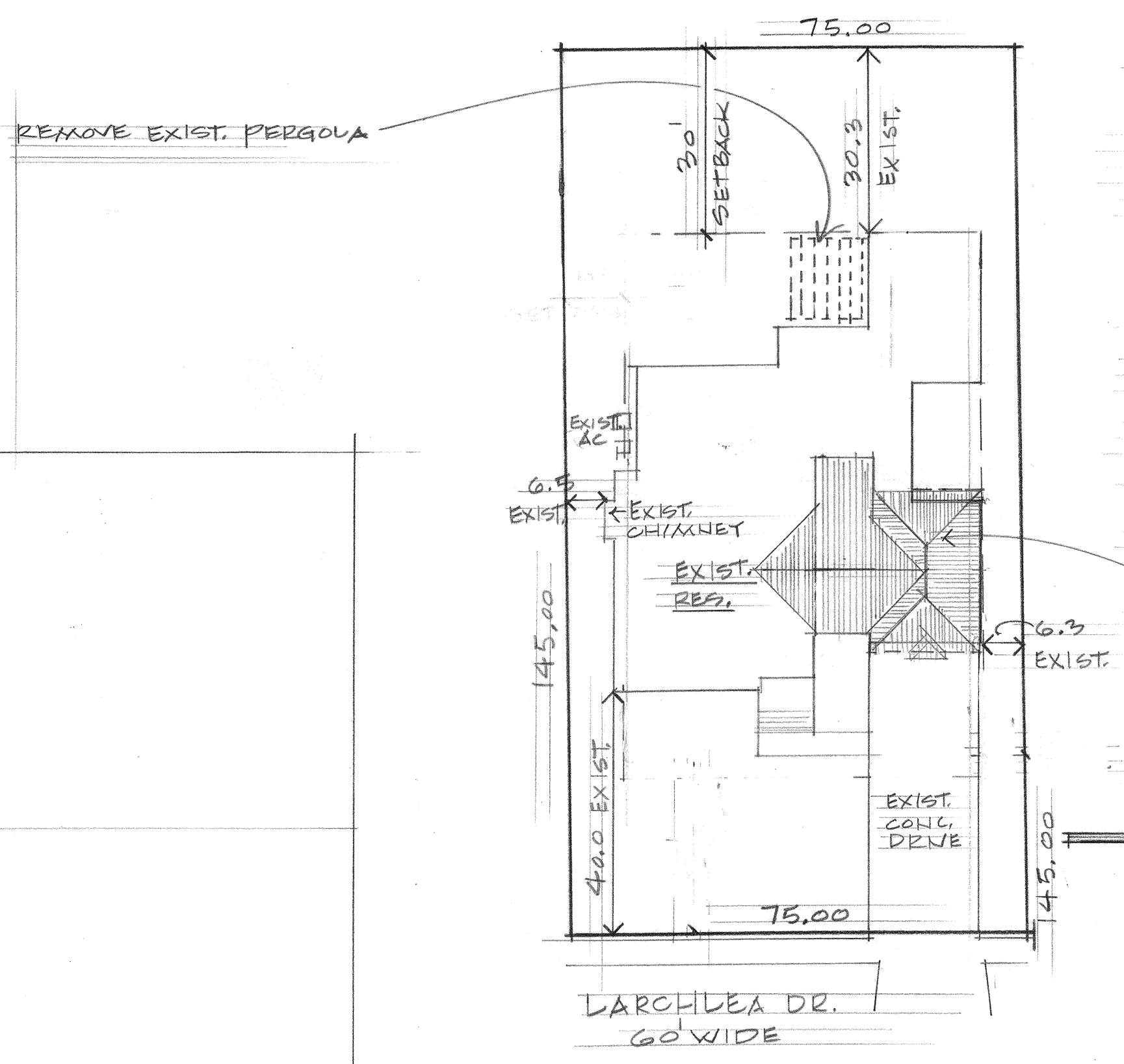
General Contractor:
Kastler Construction
 425 South Main Street
 Clawson, MI 48017
 248-655-5580 (office)
 248-379-2377 (cell)

Architect:
Ekocite Architecture
 137 E Bloomfield Ave
 Royal Oak, MI 48073
 248-629-7428 (office)
 tammis@ekocite.com
 www.ekocite.com

DATE:
 8-4-25 (C.D.)
 10-7-25 (REV.)

SITE PLAN
 ⚡
EXISTING FLOOR PLANS

CODE:
MRC 2015

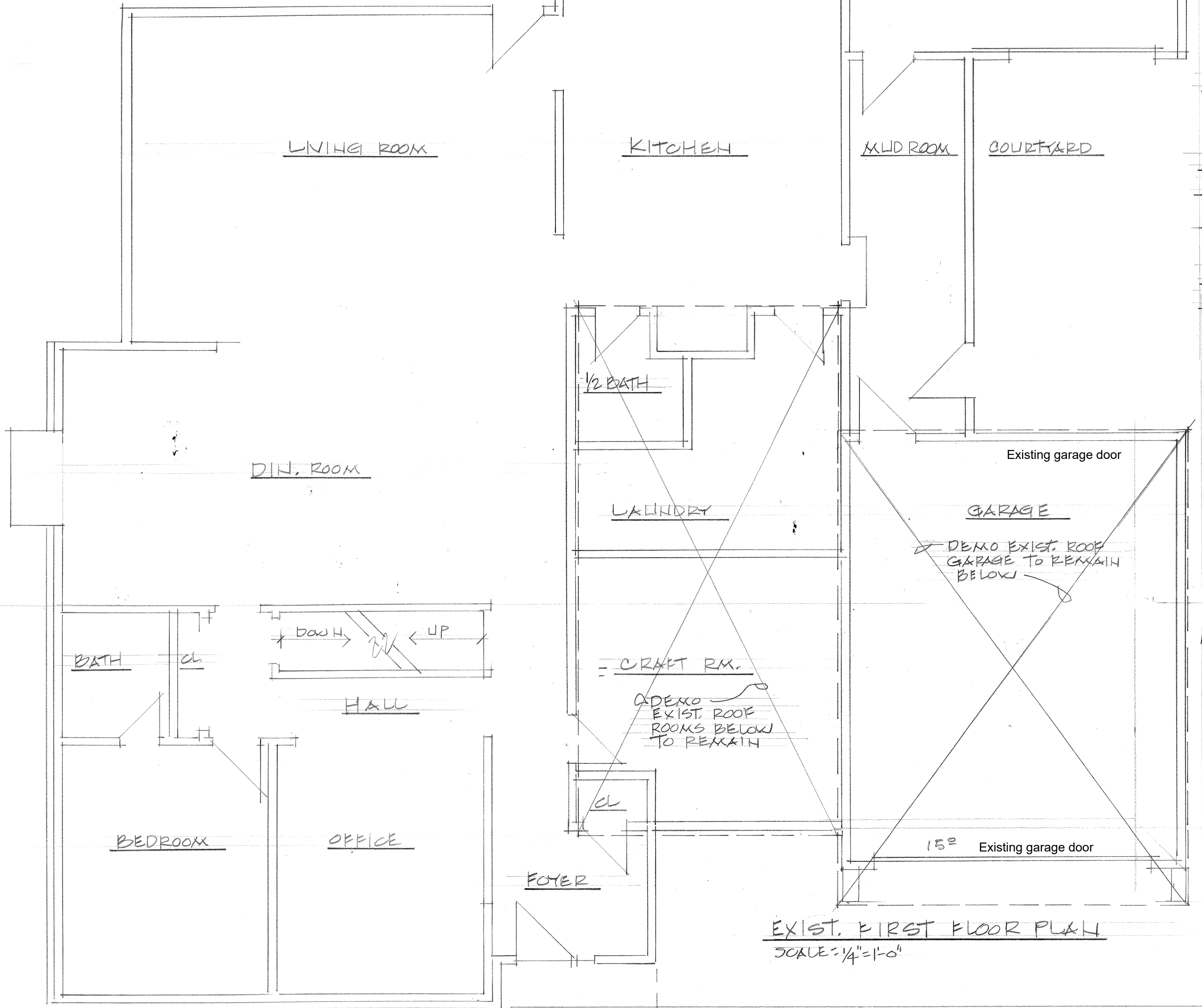


ZONING: R-1
 LOT: 10,875 S.F.

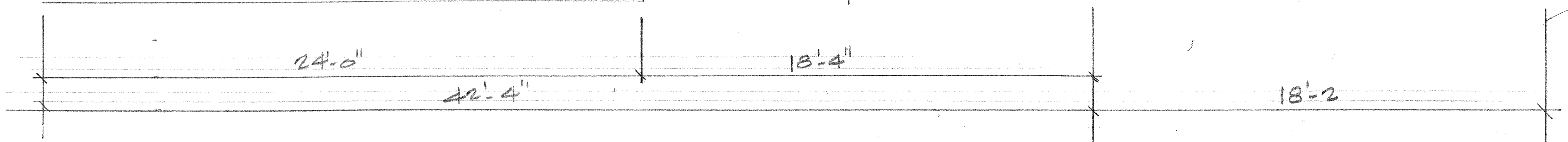
SITE PLAN
 SCALE: 1"=20'
 SURVEY BY: LINE & DISTANCE LLC



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



EXIST. FIRST FLOOR PLAN
 SCALE: 1/4"=1'-0"

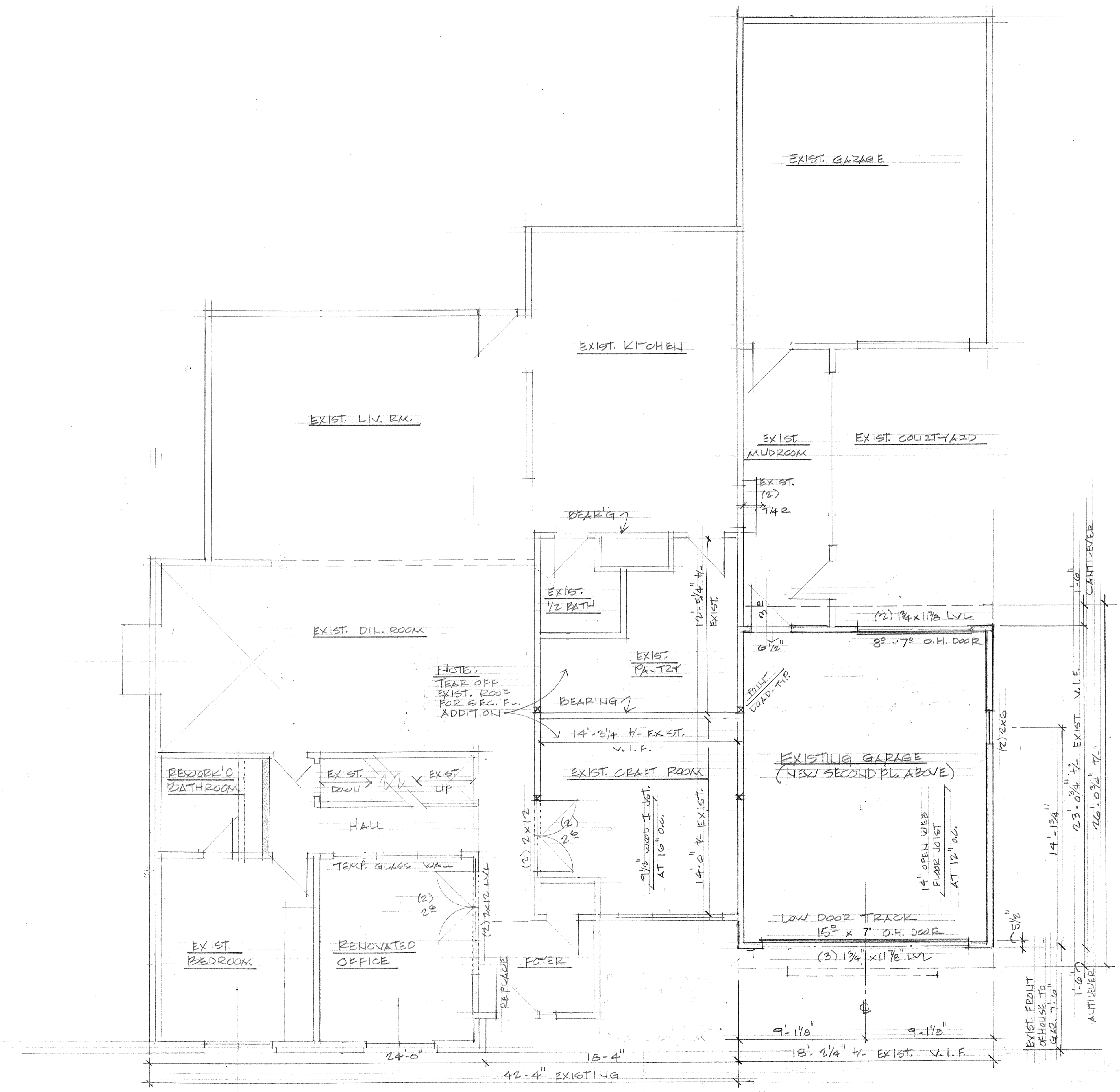


Project:
Residence
925 Larchlea Drive
Birmingham, MI
48009

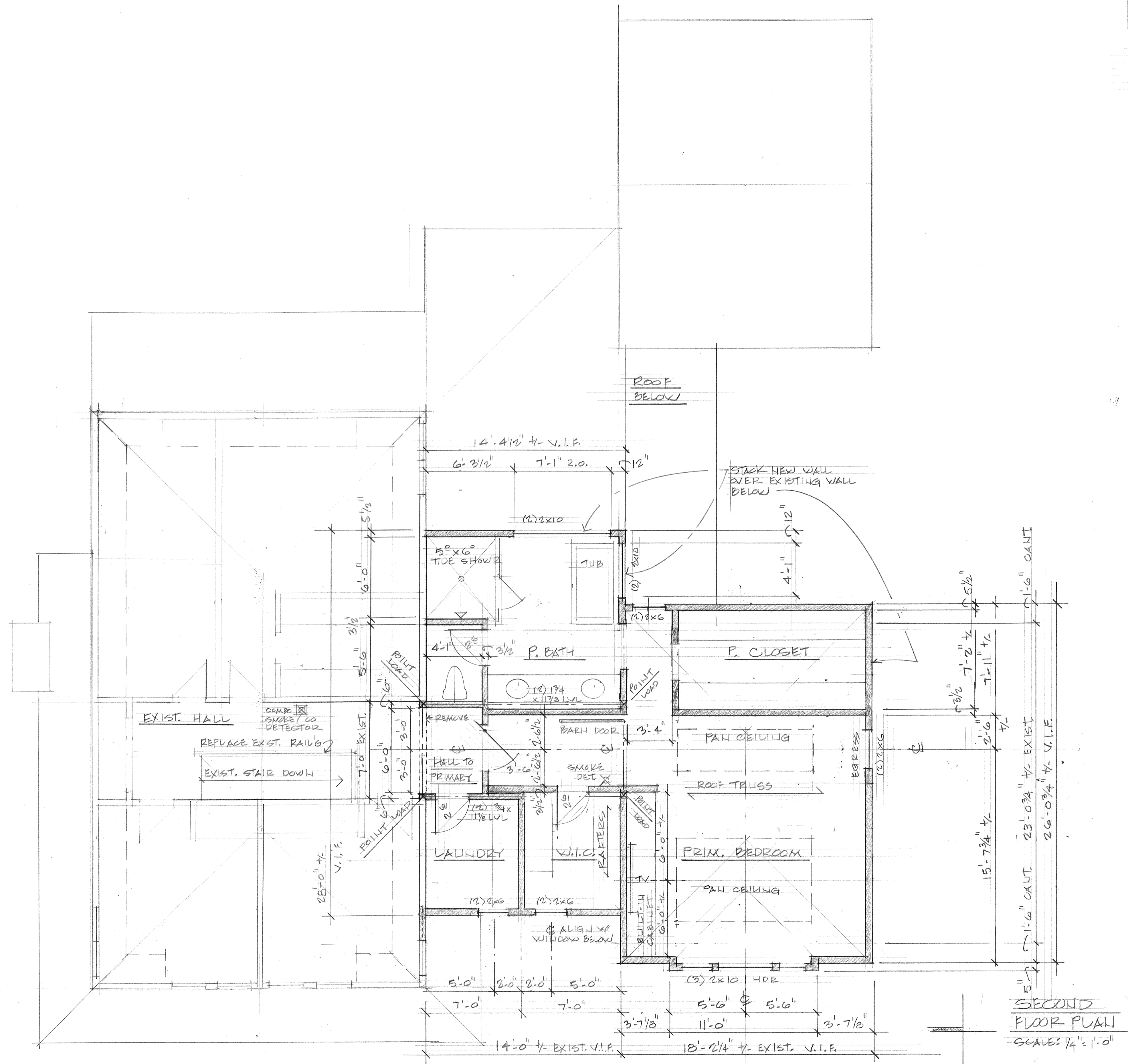
General Contractor:
Kastler Construction
425 South Main Street
Clawson, MI 48017
248-555-5580 (office)
248-379-2377 (cell)

Architect:
Tammi Donaldson
Ekocite Architecture
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Royal Oak, MI 48073
248-629-7428 (office)
tammi@ekocite.com
www.ekocite.com

DATE:
8-4-25 (C.D.)
10-7-25 (REV.)



DATE:
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 10-7-25 (REV.)



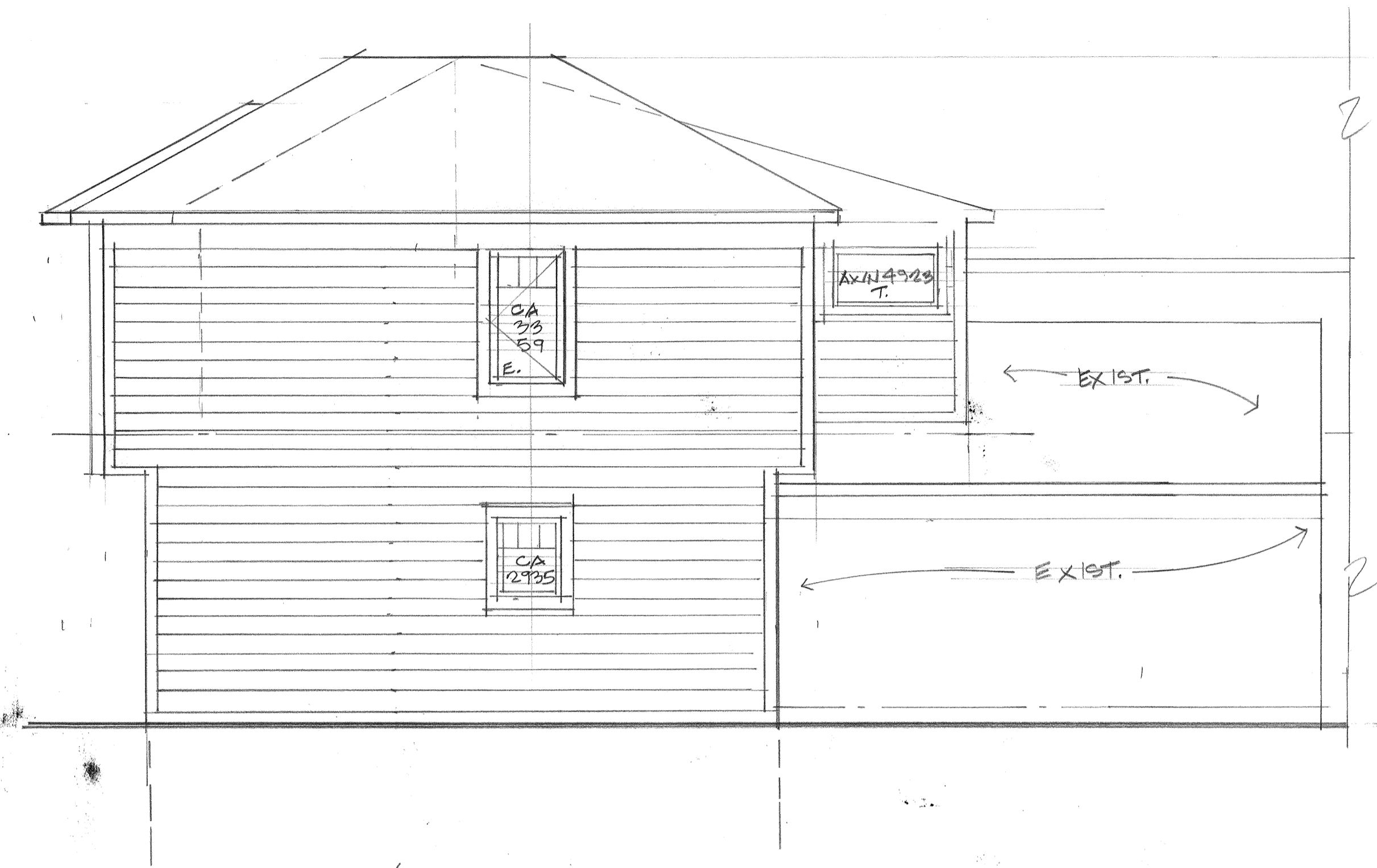
SECOND FLOOR PLAN
 SCALE: 1/4" = 1'-0"

Project:
Residence
 925 Larchlea Drive
 Birmingham, MI
 48009

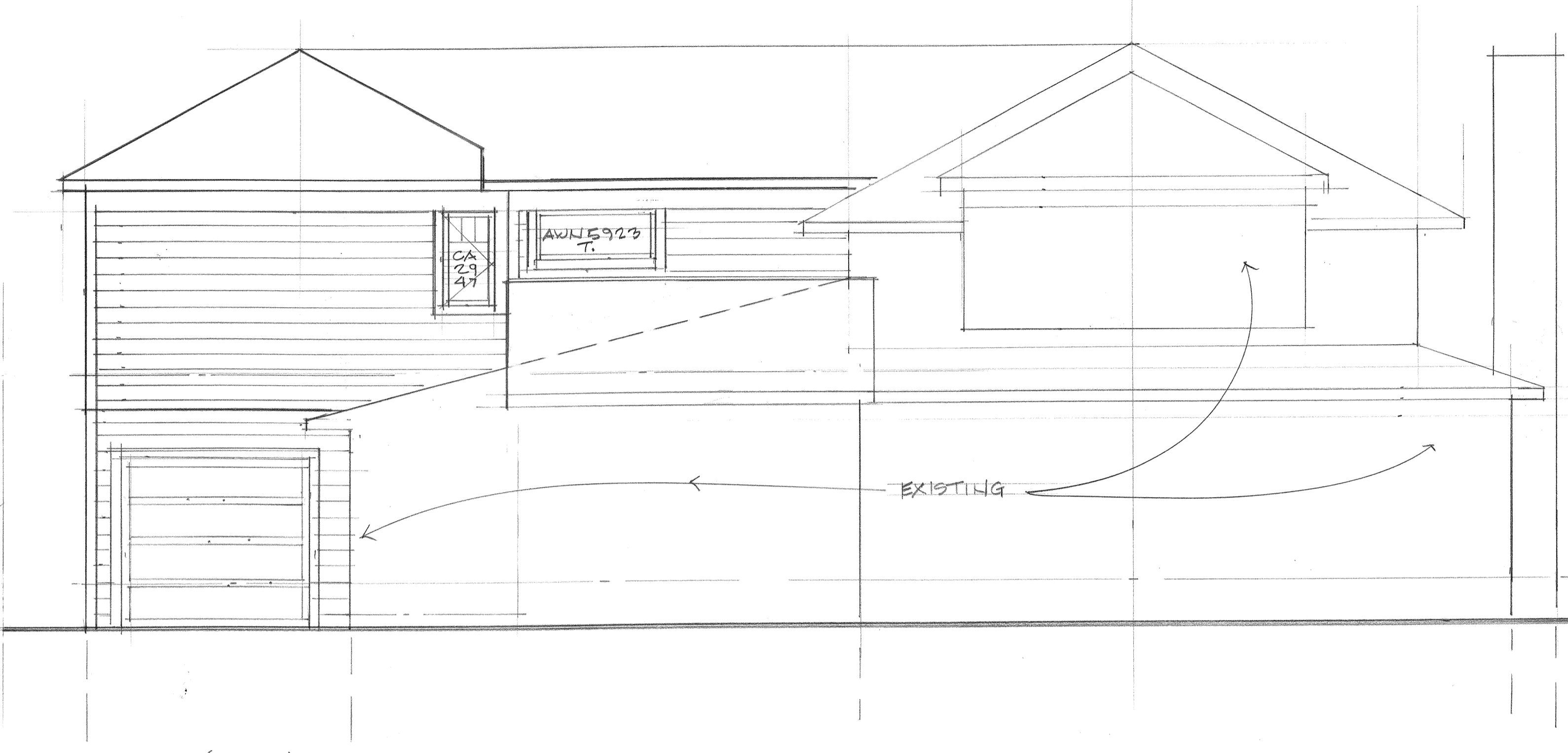
General Contractor:
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 Clawson, MI 48017
 248-655-5580 (office)
 248-379-2377 (cell)

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Ekocite Architecture
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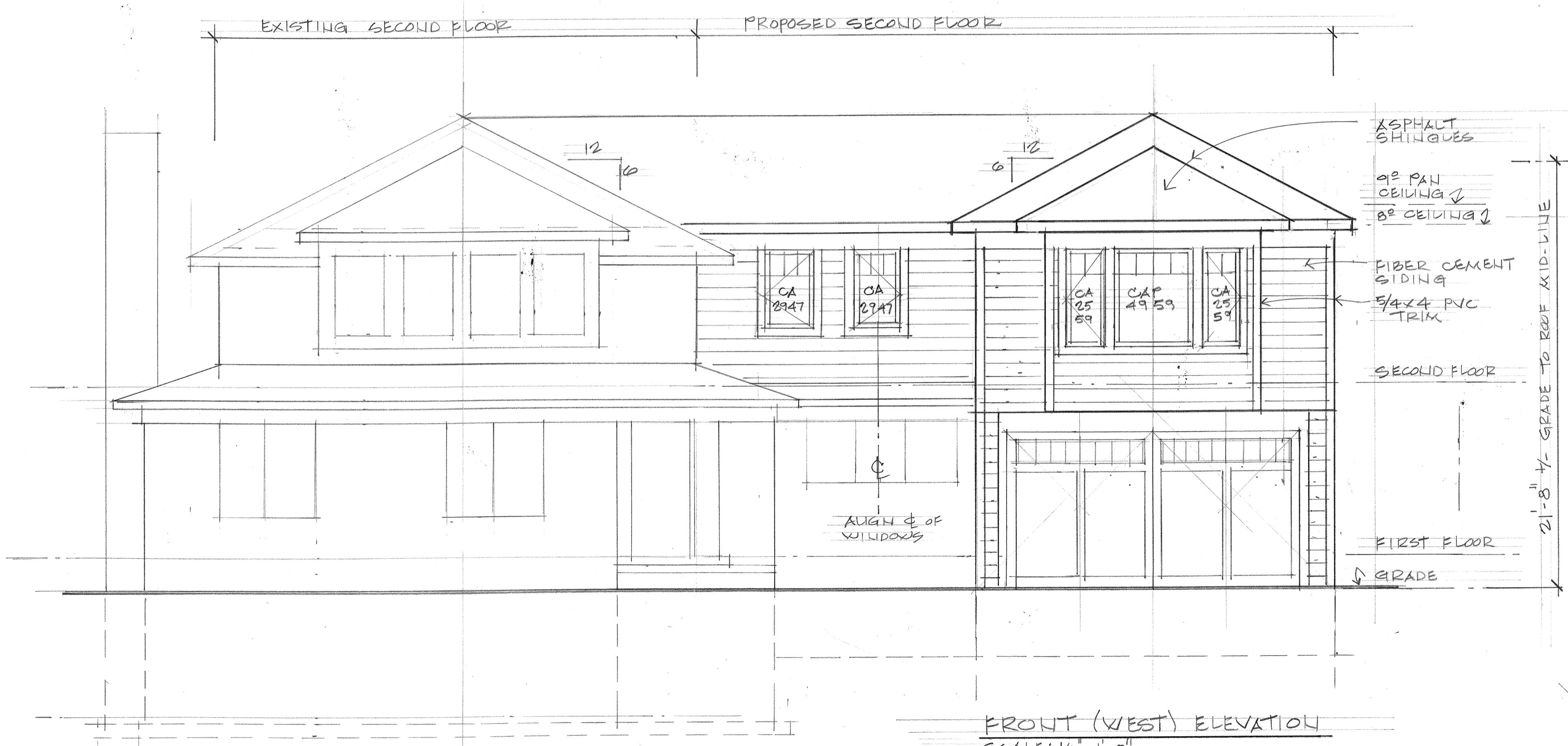
DATE:
 8-4-25 (C.D.)
 10-7-25 (REV.)



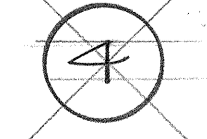
SIDE (SOUTH) ELEVATION
 SCALE: 1/4" = 1'-0"



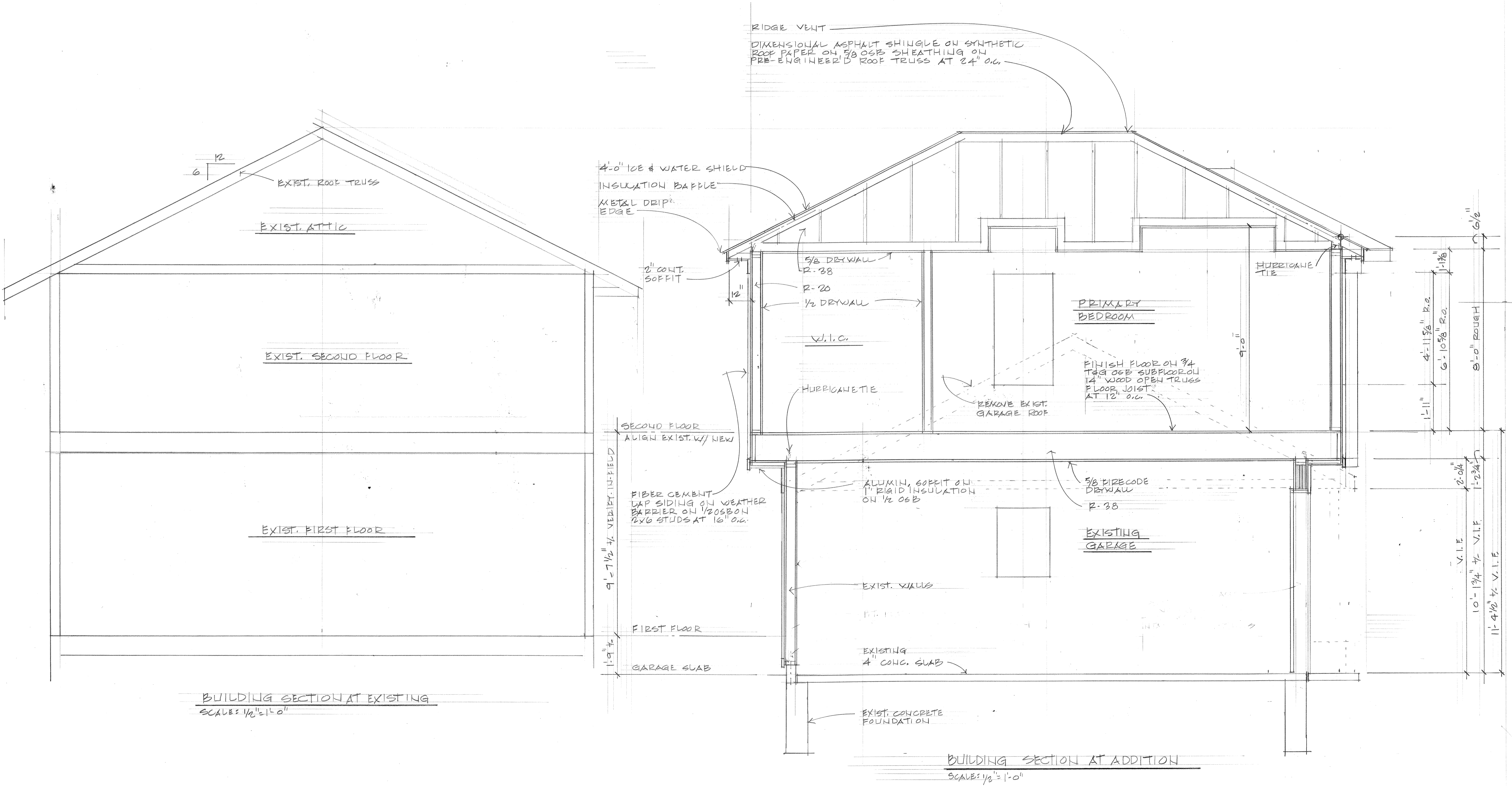
REAR (EAST) ELEVATION
 SCALE: 1/4" = 1'-0"



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



DATE:
 8-4-25 (C.D.)
 10-7-25 (REV.)

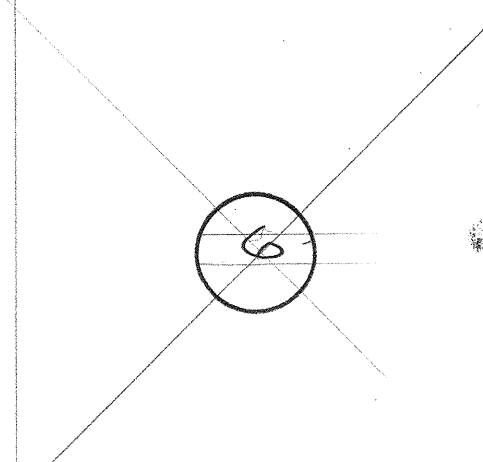
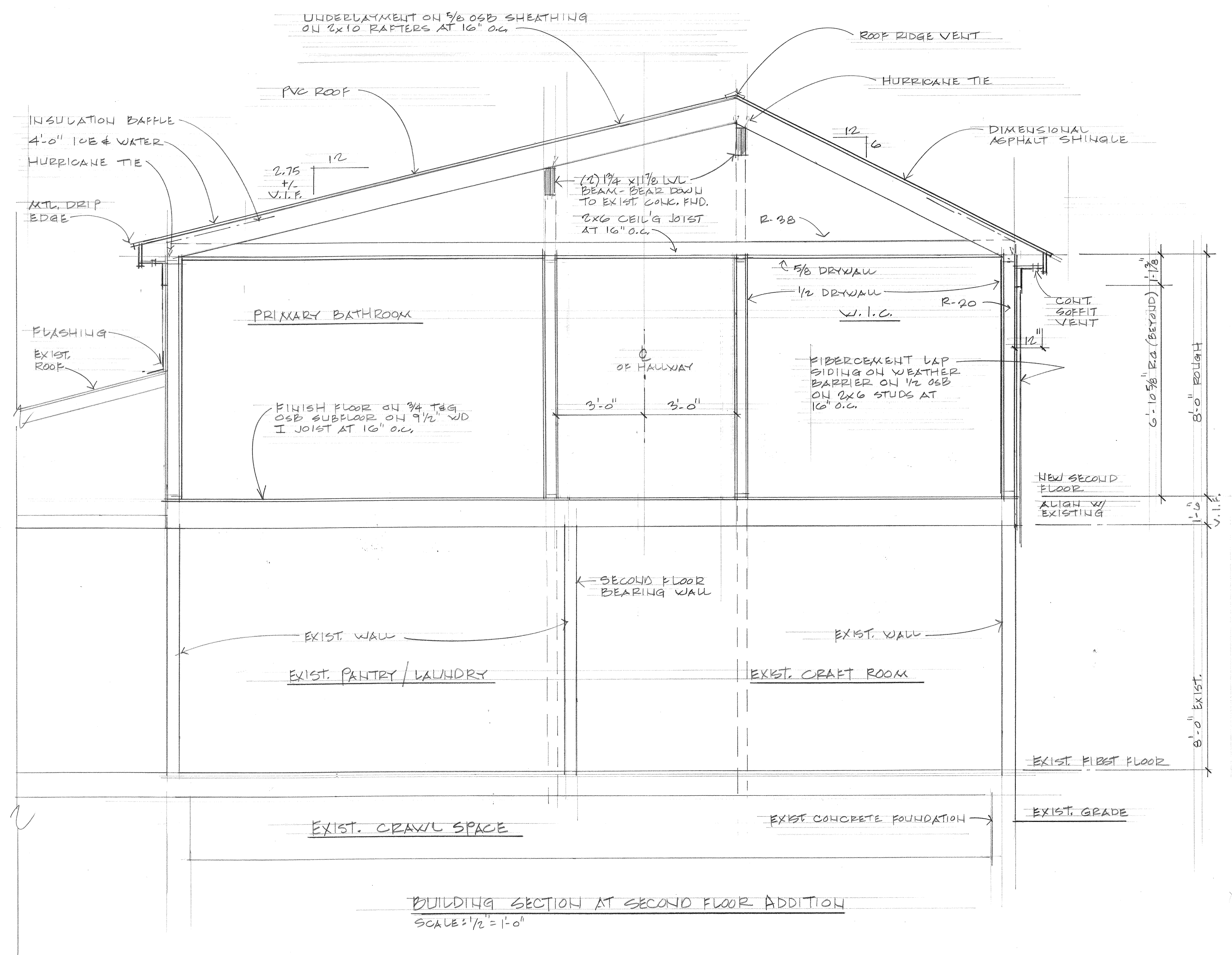


Project:
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DATE:
 8-4-25 (C.D.)
 10-7-25 (REV.)



CASE DESCRIPTION

36977 Woodward Ave (25-30)

Hearing date: November 18, 2025

Appeal No. 25-30: The owner of the property known as **36977 Woodward Ave**, requests the following variances to construct a new three story commercial building:

- A. Chapter 126, Article 2, Section 2.46.2 of the Zoning Ordinance requires that the building façade shall be built to within 5.00 feet of the front lot line for a minimum of 75.00% of the street frontage length. The proposed building façade occupies 95.70 feet or 61.15% of the street frontage. Therefore, a variance of 13.85% or 21.68 feet is requested.
- B. Chapter 126, Article 2, Section 4.46.4 of the Zoning Ordinance requires that the maximum building height be no more than 42.00 feet and/or 4 stories. The proposed third (3rd) story greenhouse structure reaches to 45.00 feet. Therefore, a variance of 3.00 feet is requested.

Staff Notes: The subject site, 36799 Woodward Ave (the applicant occasionally refers to the lot as 36999 Woodward Ave), is a vacant lot to the south of Quarton Road and west of Woodward Ave.

The applicant has submitted an application for Special Land Use Permit and Final Site Plan & Design Review for the construction of a 3 (three) story commercial office building with an interior floor area over 4,000 sq. ft. per tenant. The proposed development consists of one parcel. The subject property is adjacent to the recently completed development for 36877 Woodward Ave, Gasow Veterinary Hospital.

On October 22, 2025 ([Agenda](#) - [Video](#)), the Planning Board moved to adopt the findings of the Planning Department in the report dated October 22, 2025, related to the approval criteria outlined in Article 7, Sections 7.27 and 7.36 of the Zoning Ordinance and recommend that the City Commission approval the Special Land Use Permit and Final Site Plan & Design Review with the condition that the applicant receive the necessary variances from the Board of Zoning Appeals. The discussion surrounded the Planning Board's understanding regarding the site specific challenges, specifically regarding to the building façade percentage along the street frontage and still providing vehicular access to the site.

This property is zoned TZ-3 – Transitional Zone.

CHAPTER 126 - ZONING

ARTICLE 8: ENFORCEMENT AND PENALTIES

8.01 The Board of Zoning Appeals

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

(EACH i-iv must be satisfied)

36977 WOODWARD MAP



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

Received Date: _____

Hearing Date: _____

Received By: _____

Appeal #: _____

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

I. PROPERTY INFORMATION:

Address: 36999 Woodward Avenue, Birmingham, MI	Lot Number:	Sidwell Number: 08-19-25-101-006
---	-------------	----------------------------------

II. OWNER INFORMATION:

Name: Phase Three Properties, LLC			
Address: 1004 Brookwood Street	City: Birmingham	State: MI	Zip code: 48009
Email:* santefrat@gmail.com		Phone: 248.417.6393	

III. PETITIONER INFORMATION:

Name: Dean Thurman	Firm/Company Name:		
Address: 4211 Parnell Drive	City: Clarkston	State: MI	Zip code: 48346
Email: thurmand@aol.com		Phone: 586.929.9004	

IV. GENERAL INFORMATION:

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

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

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

Variance Chart Example

Requested Variances	Required	Existing	Proposed	Variance Amount
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V. REQUIRED INFORMATION CHECKLIST:

- Please provide the following in your electronic submission:**
- Completed and signed application
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 - Building plans including existing and proposed floor plans and elevations
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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: Santa S. Fratarcangeli **Date:** 10/13/2025

Signature of Petitioner: Dean Thurman (Oct 13, 2025 12:17:07 EDT) **Date:** 10/13/2025

CITY OF BIRMINGHAM
BOARD OF ZONING APPEALS
RULES OF PROCEDURE

ARTICLE I - Appeals

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1. A property owner may appeal for variance, modification or adjustment of the requirements of the Zoning Ordinance.
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1. Regular BZA meetings, which are open to the public, shall be held on the second Tuesday of the month at 7:30 P.M. provided there are pending appeals. There will be a maximum of seven appeals heard at the regular meeting which are taken in the order received. If an appeal is received on time after the initial seven appeals have been scheduled, it will be scheduled to the next regular meeting.
 2. All applications for appeal shall be submitted to the Community Development Department on or before the 12th day of the month preceding the next regular meeting. If the 12th falls on a Saturday, Sunday, or legal holiday, the next working day shall be considered the last day of acceptance.
 3. All property owners and occupants within 300 feet of the subject property will be given written notice of a hearing by the City of Birmingham.
 4. See the application form for specific requirements. If the application is incomplete, the BZA may refuse to hear the appeal. The Building Official or City Planner may require the applicant to provide additional information as is deemed essential to fully advise the Board in reference to the appeal. Refusal or failure to comply shall be grounds for dismissal of the appeal at the discretion of the Board.
 5. In variance requests, applicants must provide a statement that clearly sets forth all special conditions that may have contributed to a practical difficulty that is preventing a reasonable use of the property.

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

C. The order of hearings shall be:

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

D. Motions and Voting

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

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

ARTICLE II - Results of an Appeal

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

ARTICLE III - Rehearings

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

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

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



Dean Thurman (Oct 13, 2025 12:17:07 EDT)

Signature of Applicant

Board of Zoning Appeals
Community Development – Building Department
151 Martin Street
Birmingham, MI 48009

Re: 36999 Woodward Avenue (Invest Wise Development)- BZA Practical Difficulties Response

Zoning Board Members,

Thank you for your consideration of our Variance requests. Below are responses to the questions from the ZBA Variance Standards Form.

- a. The petitioner respectfully requests a variance from the zoning ordinance requiring that **75% of the property frontage contains building mass**, as the proposed design provides **61.4%**. Strict application of this ordinance creates unnecessary hardship.
- b. Maximum building height for sloped roofs, the eave line shall be no more than 34 feet and the roof peak no more than 46 feet. The petitioner respectfully requests a variance from the **maximum building height requirement** in Table 2.46.6 of the Birmingham Zoning Ordinance. The proposed design includes a **glass conservatory tower element** with a **peak height of 45 feet (mean high of 42' to the midpoint)** which is 3 feet higher than the maximum allowed. The roof area in question is a minor percentage of the overall roof at roughly 7.5%. All other areas are below the maximum height. We request this minor variance to allow for a visual focal point at the Northeast corner of the site which will be used as a small gathering space at the roof top level. Furthermore, the structure will be primarily clad in glass which will further reduce its visual footprint.

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

- a. The proposed office building has been thoughtfully designed to meet the intent of the zoning ordinance, the Owner's spatial needs, while also contributing to Birmingham's architectural and civic character. We have fully maximized the frontage along Woodward and Quarton.

The property's physical characteristics and site constraints make compliance with the 75% requirement impractical. The site is narrow in width and irregular in shape, with angular corners that limit building placement and reduce the usable frontage area. Furthermore, the property contains an existing curb, along Woodward, that must be maintained (slightly modified) for access to the on-site parking lot. Although there is a shared access point along Quarton (northern property boundary), it does not allow for left hand turn access. This would severely limit client and staff access to the site, so Woodward access is a must. The required drive reduces the buildable frontage, making full compliance with the frontage standard physically impossible without eliminating essential site functionality.

This condition creates a practical difficulty that is unique to this parcel and not self-created by the petitioner. The proposed design—providing 61.4% frontage coverage—still achieves the intent of the ordinance by engaging the street, defining the public edge, and enhancing the pedestrian environment, while accommodating the necessary access and site constraints.

- b. Strict application of the zoning ordinances 42-foot maximum building height, for the sloped roof peak, will not unreasonably prevent the petitioner from fully utilizing the property for its permitted office use, but we believe we meet the spirit of the ordinance as the mean height is at 42' (45' peak less the 39' eave).

This small, peaked roof areas is only 7.5% of the overall roof area which is primarily flat. The flat-roofed area is fully compliant with the roof height requirements. This sloped roof area is located at the primary visual corner of the site (NE corner) and will be used as a small gathering space for the office. To properly drain the conservatory roof, a pitch is required. If forced to lower the peak height, the eave height will be forced to lower as well. The reduced eave height will create challenges for pedestrian, structural and HVAC passage from the primary third level structure\ and open roof patio.

This glass conservatory is designed as the staple architectural feature of the building. It's height will be further diminished due to the transparent nature of the material and its minimal framing.

Strict enforcement of the ordinance would force the elimination or lowering of the conservatory roofline, diminishing both the interior usability of space and the architectural integrity of the entire structure. The hardship is not a matter of seeking excess mass or density; rather, it is the inability to reasonably design a modest, human-scaled building that accommodates a fully permitted office use while including an expressive architectural form.

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

- a. Strict enforcement of the zoning ordinance would result in unnecessary hardship for the petitioner due to a combination of site-specific physical constraints and design-related factors unique to this property.

The subject site is narrow in width, irregular in shape, and features angular corners, all of which restrict the buildable area along the street frontage. In addition, the parcel contains an existing (modified) curb cut that must be maintained to provide vehicular access to the on-site parking lot. City engineering and safety requirements also mandate a rear access drive for circulation and emergency access. Together, these constraints significantly limit the amount of frontage available for building placement.

Strict enforcement of the zoning ordinance—requiring 75% of the frontage to contain building mass—would make it physically and functionally impossible to comply without eliminating an

essential access point along Woodward. The proposed design, which provides **61.4% building frontage**, represents the maximum feasible frontage coverage that can be achieved while maintaining safe and functional site circulation.

- b. Strict enforcement of the zoning ordinance height limitations would result in unnecessary hardship for the petitioner by preventing the realization of a key architectural and functional element integral to the design and use of the proposed office building.

The project includes a glass conservatory element with an eave height of 39 feet and a peak height of 45 feet, which slightly exceeds the 42-foot maximum building height but remains within the permitted 46-foot pitched roof peak height established by the Birmingham Zoning Ordinance. This conservatory forms the signature architectural feature of the building—an occupiable, light-filled space on the upper floor that acts as a lantern-like beacon, providing a welcoming visual presence for those entering the city.

Strict enforcement of the 42-foot limit would diminish the proportional balance and usability of this feature, forcing a significant reduction in height that would compromise the interior functionality of the top-floor space and undermine the architectural integrity of the building. The conservatory is designed to be transparent, lightweight, and modest in scale, ensuring it does not negatively affect light, air, or building massing for neighboring properties.

The purpose of the height regulation is to prevent excessive bulk and protect public welfare—objectives that remain fully met in this design. The requested relief represents a minimal deviation that allows the property to be used for its intended office purpose, in a way that also enhances the visual and civic character of the city.

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

- a. Granting the requested variance would not be contrary to the spirit and purpose of the zoning ordinance, nor detrimental to public health, safety, or welfare.

The intent of the frontage requirement is to encourage buildings that define the street edge, foster pedestrian activity, and contribute to a cohesive, human-scaled urban form. The proposed design fully embraces these principles. The building is oriented toward the street, with an active façade, clear pedestrian entries, and street-facing transparency consistent with Birmingham's design goals. All parking spaces have been positioned to the rear and south side for concealment purposes. The requested reduction in frontage—from 75% to 61.4%—arises solely from site and access constraints, not from a desire to under develop or disengage from the street.

Far from undermining the ordinance's intent, the proposed design advances it by introducing an architectural feature of civic and visual significance: a tower element capped with a glass conservatory that acts as a lantern at the city's entry point. This element enhances the public

realm by serving as a welcoming visual marker, improving the pedestrian experience, and reinforcing Birmingham's tradition of design excellence.

The site's narrow, irregular shape and required access points—including an existing curb cut and mandatory rear access drive—limit the buildable frontage area but are handled in a way that maintains functional circulation and safety. All vehicle and pedestrian movements meet city engineering standards, ensuring there are no adverse impacts on traffic safety, emergency access, or neighboring properties.

The requested variance therefore allows a thoughtful, high-quality design to be realized while preserving the ordinance's objectives and protecting the public welfare. The project strengthens the streetscape, enhances architectural character, and supports the city's long-term vision for vibrant, well-designed commercial corridors.

- b. Granting the requested variance will not be contrary to the spirit or purpose of the zoning ordinance, nor detrimental to public health, safety, or welfare.

The intent of Birmingham's building height regulations is to ensure that new development remains consistent in scale, character, and visual harmony with the surrounding urban context, while protecting access to light and air and maintaining a pedestrian-oriented environment. The proposed height variance upholds all of these objectives.

The project's glass conservatory tower, with an eave height of 39 feet and a roof peak height of 45 feet, is designed as a slender, transparent, and architecturally refined feature that enhances the building's appearance without adding significant bulk or mass. Its height remains within the permitted 46-foot roof peak limit and does not encroach on any required setbacks or open-space provisions. The conservatory's small footprint and glass enclosure ensure that it does not obstruct light or air for neighboring properties, nor does it create additional shading, congestion, or visual dominance along the streetscape.

Rather than conflicting with the ordinance's intent, this feature advances it by providing a distinctive architectural expression that aligns with Birmingham's long-standing emphasis on design excellence and civic identity. The owner's intent—to create a beautiful, lantern-like architectural element that greets visitors as they enter the city—reflects the same urban design principles embedded in Birmingham's planning framework: pedestrian orientation, visual interest, and contextual scale.

4. The alleged practical difficulty is due to unique circumstances peculiar to the property and not to general conditions in the neighborhood.

- a. The lot is narrow in width, irregular in shape, and features angular corners, all of which constrain the buildable envelope and limit the extent of the frontage that can be occupied by building mass. These conditions are peculiar to this site and create geometric and spatial limitations not

commonly shared by surrounding properties, which tend to have more regular shapes and consistent street frontage dimensions.

In addition to its geometry, the property contains an existing (modified) curb cut, along Woodward, that must be maintained to provide vehicular access to the on-site parking lot. City engineering and fire code standards also require a rear access drive to ensure safe circulation and emergency vehicle access. The combination of these access requirements further limits the portion of the frontage that can reasonably accommodate building area.

These site-specific constraints directly affect the project's ability to meet the 75% frontage requirement, even though the proposed use (a small office building) is fully permitted within the zoning district. The difficulty is therefore not a result of the petitioner's actions or any general condition in the surrounding area, but rather a unique set of physical and regulatory circumstances specific to this property.

- b. The practical difficulty associated with the height limitation arises from unique physical and contextual circumstances that are peculiar to this specific property and not shared by other parcels in the neighborhood.

The site is narrow in width, irregularly shaped, and defined by angular corners, which restrict the placement and configuration of the building footprint. These unusual site characteristics directly affect the building's massing, proportion, and roofline composition. To achieve a balanced and functional design that responds to these conditions, the project incorporates a glass conservatory tower with an eave height of 39 feet and a peak height of 45 feet—slightly above the base height limit, but within the permitted pitched roof peak height of 46 feet.

The proposed glass conservatory is not an arbitrary or excessive design gesture, but a contextual response to these constraints — functioning as both an occupiable upper-floor space and a signature architectural element that enhances the city's visual character. These conditions are unique to this property and are not representative of general conditions found elsewhere in the district, where lot configurations and access points are typically more regular.

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

- a. The proposed office building fully aligns with the zoning district's goals for active, high-quality, and pedestrian-oriented development. The requested variance—allowing 61.4% of the frontage to contain building mass instead of 75%—is minimal in scope and directly tied to existing site constraints, including the property's narrow width, irregular shape, existing curb cut, and required rear access drive. Denying the variance would impose an unnecessary hardship that prevents the reasonable use of the property for its permitted purpose; while granting it will enable a design that is both functional and aesthetically beneficial to the city.

The resulting building will contribute positively to the streetscape and community character. The design features a tower with a glass conservatory “lantern” element that serves as a welcoming landmark at a key entry point to Birmingham. This architectural feature enriches the public realm, reinforces pedestrian scale, and reflects the city’s commitment to design excellence. Allowing this project to proceed as proposed ensures that both the petitioner and the broader community receive equitable and meaningful benefit from a site that otherwise could not be reasonably developed to this standard.

- b. Granting the requested height variance will **result in substantial justice** to the petitioner, nearby property owners, and the public by enabling a **high-quality architectural feature** that embodies both the spirit of the ordinance and the city’s design ideals.

The owner’s clear intent is for the **glass conservatory element**—with an **eave height of 39 feet** and a **peak height of 45 feet**—to serve as the **staple architectural element** of the building and a **beautiful, welcoming feature** for those entering Birmingham.

Strict enforcement of the 42’ peak height would force the elimination of this element as we would have to reduce the eave height down to a point which prohibit structural and HVAC connectivity from supporting third level space. human access from the roof top level. Simply stating, any door into this space would be too low. eave height requirement would require the elimination of this flattening proportioned tower, **diminishing its visual impact and symbolic purpose**, and depriving both the petitioner and the public of a design that elevates the city’s streetscape experience. The requested relief is modestly five feet above the ordinance limit—and does not increase the building’s mass, obstruct views, or alter neighboring access to light and air. The peak remains **within the permitted 46-foot height**, ensuring full compliance with the intent of Birmingham’s scale and form standards.

6. The practical difficulty is not self-created.

- a. The practical difficulty associated with meeting the 75% frontage requirement has not been created by any person presently having an interest in the property.

The property’s narrow width, irregular shape, and angular corners are longstanding characteristics of the lot and were established well before the current design proposal. These conditions directly limit the buildable frontage and are beyond the petitioner’s control.

Additionally, the existing curb cut (modified) which must be maintained for vehicular access and safety, was established under prior site conditions. The requirement for a rear access drive is a city-imposed standard necessary to meet engineering, traffic, and emergency access regulations. These access elements are mandatory and non-negotiable, yet they occupy portions of the frontage that would otherwise be eligible for building placement.

The petitioner has made every reasonable effort to design a project that complies with the ordinance to the greatest extent possible while preserving these essential site functions. The proposed 61.4% frontage coverage is the maximum feasible given the site's physical constraints and required access points.

The hardship, therefore, is not self-created, but rather the result of existing and unavoidable site conditions combined with regulatory access requirements. Granting the variance allows the property to be used in a manner consistent with the zoning district's intent while respecting conditions the petitioner did not cause or control.

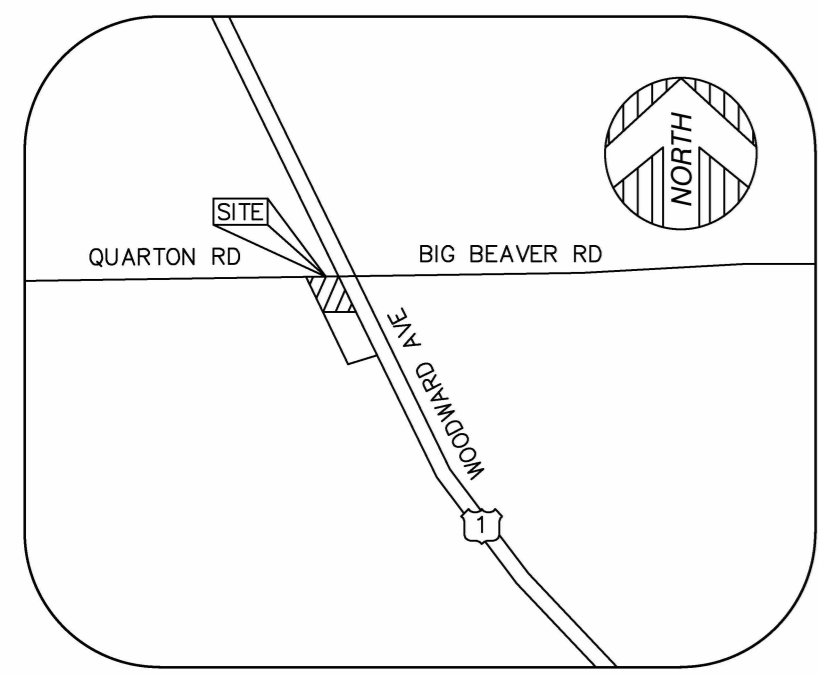
- b. The practical difficulty requiring this variance is not self-created, but rather the result of existing site constraints and the inherent conditions of the property, combined with the city's dimensional height standards for sloped roofs.

The parcel is narrow, irregularly shaped, and defined by angular corners, which limit the building's placement and overall massing options. These characteristics were established long before the petitioner's involvement with the site and are beyond the petitioner's control. In addition, the property includes an existing curb cut that must be preserved to maintain safe and efficient site access, as well as a required rear access drive to meet Birmingham's circulation and safety standards. Together, these factors impose strict design constraints on how the building can be organized within the zoning envelope.

The need for the height variance arises not from an arbitrary design choice or an effort to exceed allowable limits, but from the petitioner's intent to design a functional and contextually appropriate office building that also contributes positively to the city's architectural character. The glass conservatory, with an eave height of 39 feet and a peak height of 45 feet, serves as an occupiable lantern-like space and signature feature that enhances the project's identity and the city's streetscape.

The petitioner has worked diligently to design a building that complies with all other zoning standards—setbacks, coverage, use, and overall massing—while keeping the height variance to the minimum necessary to preserve the integrity and usability of this feature. The hardship therefore results from preexisting site geometry and zoning dimensional relationships, not from any self-imposed condition or development decision.

Granting this variance will allow a reasonable and proportionate design solution that meets the intent of the ordinance and maintains the spirit of Birmingham's emphasis on architectural quality and civic identity.



VICINITY MAP
(NOT TO SCALE)

PARKING

NO MARKED PARKING ON SITE.

PARCEL AREA

15,847± SQUARE FEET = 0.36± ACRES

BENCHMARK

SITE BENCHMARK #1 (CITY BM #23)
BRASS DISC IN CONCRETE WALK,
SW CORNER OF WOODWARD AND QUARTON.
ELEVATION = 767.40' (CITY DATUM)

SITE BENCHMARK #2
MAG NAIL IN E. FACE OF UTILITY POLE,
SW CORNER OF SITE.
ELEVATION = 769.94' (CITY DATUM)

BASIS OF BEARING

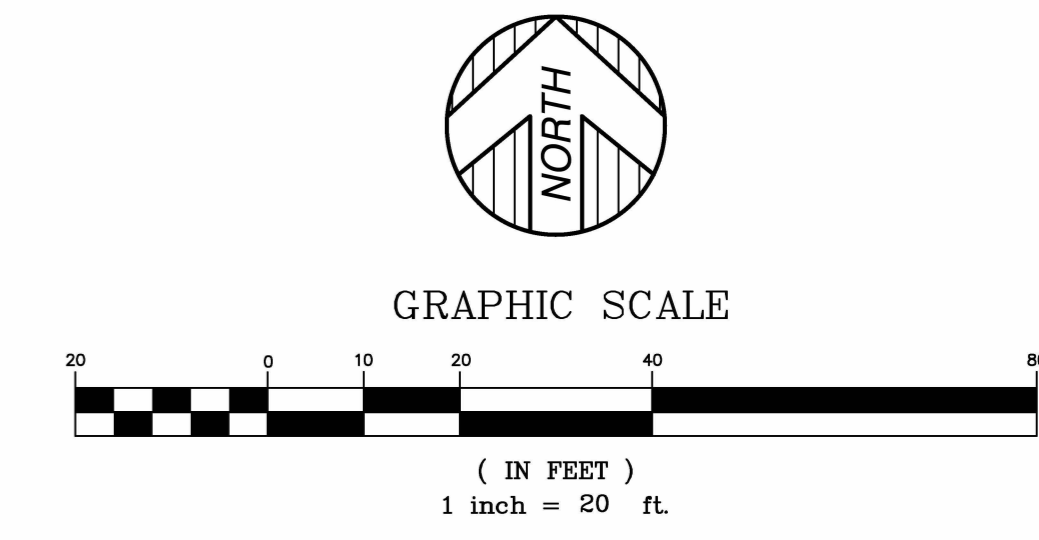
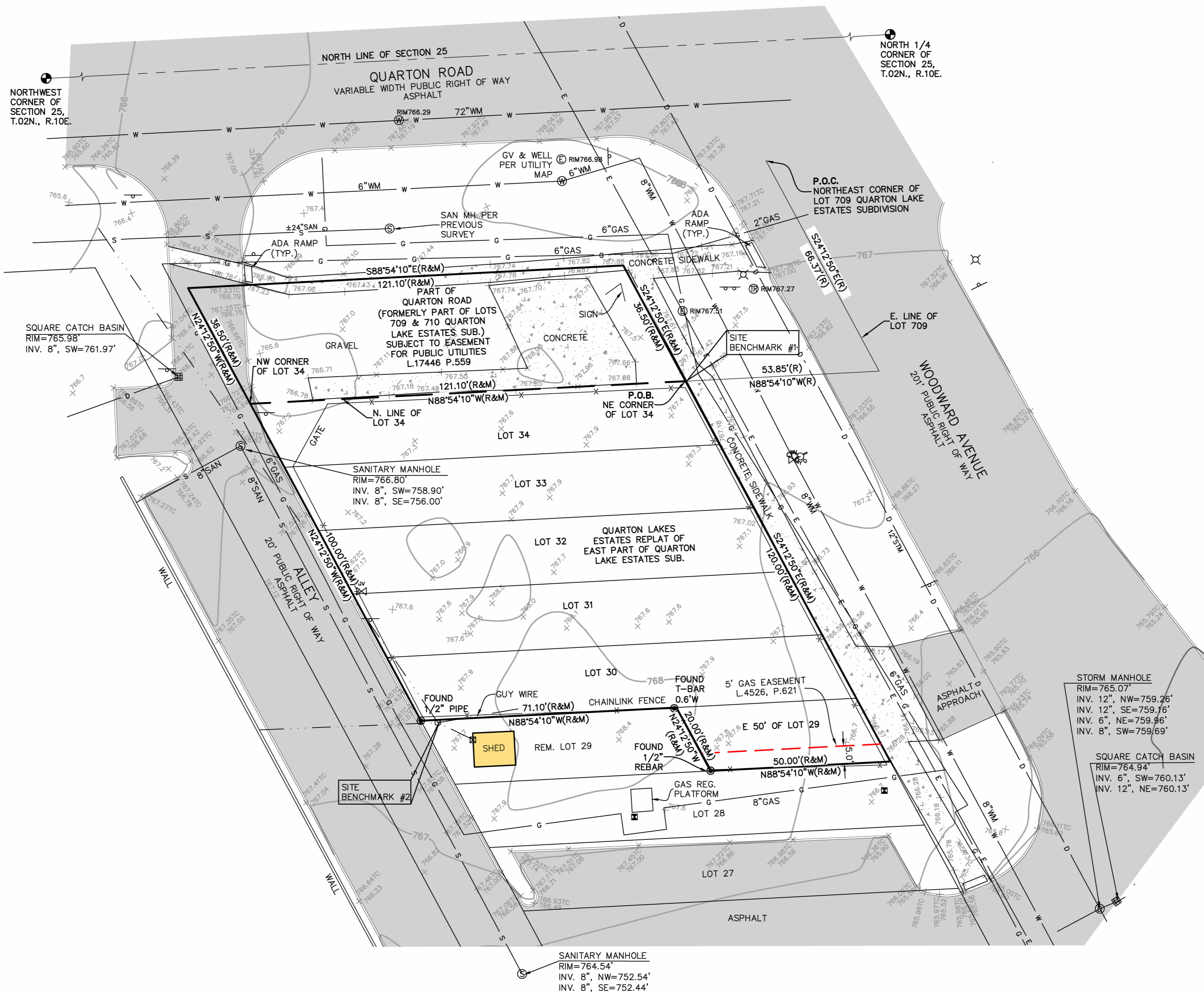
SOUTH 24°12'50" EAST, BEING THE WESTERLY RIGHT OF WAY LINE OF WOODWARD, AS PLATTED.

SURVEYOR'S NOTE

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING PLANS AND DRAWINGS PROVIDED BY VARIOUS UTILITY COMPANIES AND/OR MUNICIPAL AGENCIES. UNDERGROUND UTILITIES WHICH ARE LOCATED ON PRIVATE PROPERTY ARE TYPICALLY NOT SHOWN ON PLANS PROVIDED BY THE UTILITY COMPANIES. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES OTHER THAN THE STRUCTURE INVENTORY SHOWN HEREON.

LEGEND

- FOUND MONUMENT (AS NOTED)
- ⊙ FOUND SECTION CORNER (AS NOTED)
- (R&M) RECORD AND MEASURED DIMENSION
- (R) RECORD DIMENSION
- (M) MEASURED DIMENSION
- X 0.00 GROUND ELEVATION
- ⊕ ELECTRIC MANHOLE
- ⊖ ELECTRIC METER
- ⊕ ELECTRIC RISER
- UTILITY POLE
- GAS LINE MARKER
- ⊕ GAS MANHOLE
- ⊕ GAS VALVE
- ⊕ LIGHT POLE WITH STREET LAMP
- ⊕ TRAFFIC SIGNAL
- ⊕ TRAFFIC SIGNAL MANHOLE
- ⊕ SQUARE CATCH BASIN
- ⊕ SANITARY MANHOLE
- ⊕ FIRE HYDRANT
- ⊕ WATER VALVE
- ⊕ WATER GATE MANHOLE
- ⊕ SINGLE POST SIGN
- ⊕ DOUBLE POST SIGN
- PARCEL BOUNDARY LINE
- PLATTED LOT LINE
- SECTION LINE
- EASEMENT (AS NOTED)
- CONCRETE CURB
- EDGE OF CONCRETE (CONC.)
- EDGE OF ASPHALT (ASPH.)
- FENCE (AS NOTED)
- WALL (AS NOTED)
- OVERHEAD UTILITY LINE
- E ELECTRIC LINE
- G GAS LINE
- S SANITARY LINE
- D STORM LINE
- W WATER LINE
- MINOR CONTOUR LINE
- MAJOR CONTOUR LINE
- BUILDING AREA
- ASPHALT
- CONCRETE



PROPERTY DESCRIPTION

LAND IN THE CITY OF BIRMINGHAM, OAKLAND COUNTY, MI, DESCRIBED AS FOLLOWS:

THE EAST 50 FEET OF LOT 29 AND ALL OF LOTS 30, 31, 32, 33 AND 34 OF QUARTON LAKE ESTATES REPLAT OF EAST PART OF QUARTON LAKE ESTATES SUBDIVISION, ACCORDING TO THE PLAT THEREOF RECORDED IN LIBER 38 OF PLATS, PAGES 24 AND 24A, OAKLAND COUNTY RECORDS.

ALSO:
THE FOLLOWING PORTION OF QUARTON ROAD ABUTTING ABOVE PARCEL WHICH WAS ABANDONED BY THE BOARD OF COUNTY ROAD COMMISSIONERS BY RESOLUTION RECORDED IN LIBER 17446, PAGE 559, OAKLAND COUNTY RECORDS: PART OF QUARTON ROAD WHICH WAS FORMERLY PART OF LOTS 709 AND 710 OF QUARTON LAKE ESTATES SUBDIVISION, ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 14 OF PLATS, PAGES 6, 6A AND 6B, OAKLAND COUNTY RECORDS, BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE NORTHEAST CORNER OF SAID LOT 709; THENCE SOUTH 24 DEGREES 12 MINUTES 50 SECONDS EAST 66.37 FEET ALONG THE EAST LINE OF SAID LOT 709; THENCE NORTH 88 DEGREES 54 MINUTES 10 SECONDS WEST 53.85 FEET (RECORDED AS 54.30 FEET) TO THE NORTHEAST CORNER OF LOT 34 AND THE POINT OF BEGINNING; SAID LOT 34 BEING LOCATED WITHIN QUARTON LAKE ESTATES COMPANY REPLAT OF THE EAST PART OF QUARTON LAKE SUBDIVISION, AS RECORDED IN LIBER 38 OF PLATS, PAGES 24 AND 24A, OAKLAND COUNTY RECORDS; THENCE CONTINUING NORTH 88 DEGREES 54 MINUTES 10 SECONDS WEST 121.10 FEET ALONG THE NORTH LINE OF SAID LOT 34 TO THE NORTHWEST CORNER THEREOF; THENCE NORTH 24 DEGREES 12 MINUTES 50 SECONDS WEST 36.50 FEET ALONG THE NORTHERLY PROLONGATION OF THE WEST LINE OF SAID LOT 34; THENCE SOUTH 88 DEGREES 54 MINUTES 10 SECONDS EAST 121.10 FEET ALONG A LINE 60.00 FEET SOUTH OF, MEASURED AT RIGHT ANGLES TO AND PARALLEL WITH, THE NORTH LINE OF SECTION 25; TOWN 2 NORTH, RANGE 10 NORTH, R.10E, OAKLAND COUNTY, MICHIGAN; THENCE SOUTH 24 DEGREES 12 MINUTES 50 SECONDS EAST 36.50 FEET ALONG THE NORTHERLY PROLONGATION OF THE EAST LINE OF SAID LOT 34 TO THE POINT OF BEGINNING.

TITLE REPORT NOTE

ONLY THOSE EXCEPTIONS CONTAINED WITHIN THE FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT NO. NCS-1262856-MICH, DATED MAY 13, 2025, AND RELISTED BELOW WERE CONSIDERED FOR THIS SURVEY. NO OTHER RECORDS RESEARCH WAS PERFORMED BY THE CERTIFYING SURVEYOR.

7. BUILDING AND USE RESTRICTIONS AND OTHER TERMS COVENANTS AND CONDITIONS, BUT DELETING ANY COVENANT, CONDITION OR RESTRICTION INDICATING A PREFERENCE, LIMITATION OR DISCRIMINATION BASED ON RACE, COLOR, RELIGION, SEX, HANDICAP, FAMILIAL STATUS OR NATIONAL ORIGIN TO THE EXTENT SUCH COVENANTS, CONDITIONS OR RESTRICTIONS VIOLATE 42 USC 3604 (C), DISCLOSED BY INSTRUMENT RECORDED IN LIBER 590, PAGE 376, LIBER 719, PAGE 281 AND LIBER 1173, PAGE 40, LIBER 2409, PAGE 372. (AFFECTS ALL LOTS, SEE DOCUMENT FOR TERMS AND CONDITIONS)
8. THE TERMS, PROVISIONS AND EASEMENT(S) CONTAINED IN THE DOCUMENT ENTITLED EASEMENT AND RIGHT OF WAY RECORDED AS LIBER 4526, PAGE 621. (AS SHOWN)
9. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED RESOLUTION FOR ABANDONMENT RECORDED AS LIBER 17446, PAGE 559. (PORTION OF VACATED QUARTON ROAD SUBJECT TO EASEMENT FOR PUBLIC UTILITIES, SEE DOCUMENT FOR ADDITIONAL TERMS AND CONDITIONS)
10. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED CORRECTIVE ACTION NOTICE TO REGISTER OF DEEDS RECORDED AS LIBER 35369, PAGE 396. (AFFECTS ALL LOTS, SEE DOCUMENT FOR TERMS AND CONDITIONS)
11. NOTICE OF THE VIOLATION OR ENFORCEMENT OF A LAW, ORDINANCE, PERMIT, OR GOVERNMENTAL REGULATION RELATING TO ENVIRONMENTAL PROTECTION AS DISCLOSED BY THE FOLLOWING DOCUMENT ENTITLED CORRECTIVE ACTION NOTICE TO REGISTER OF DEEDS, RECORDED AS LIBER 35369, PAGE 396 OF OFFICIAL RECORDS. (AFFECTS ALL LOTS, SEE DOCUMENT FOR TERMS AND CONDITIONS)
12. THE TERMS AND PROVISIONS CONTAINED IN THE DOCUMENT ENTITLED DECLARATION OF RESTRICTIVE COVENANT FOR A RESTRICTED NONRESIDENTIAL CORRECTIVE ACTION RECORDED JUNE 22, 2018 AS LIBER 51931, PAGE 39. (AFFECTS ALL LOTS, SEE DOCUMENT FOR TERMS AND CONDITIONS)
13. NOTICE OF THE VIOLATION OR ENFORCEMENT OF A LAW, ORDINANCE, PERMIT, OR GOVERNMENTAL REGULATION RELATING TO ENVIRONMENTAL PROTECTION AS DISCLOSED BY THE FOLLOWING DOCUMENT ENTITLED DECLARATION OF RESTRICTIVE COVENANT FOR A RESTRICTED NONRESIDENTIAL CORRECTIVE ACTION, RECORDED JUNE 22, 2018 AS LIBER 51931, PAGE 39 OF OFFICIAL RECORDS. (AFFECTS ALL LOTS, SEE DOCUMENT FOR TERMS AND CONDITIONS)

SURVEYOR'S CERTIFICATION

TO INVESTMENT FINANCIAL LLC, AND FIRST AMERICAN TITLE INSURANCE COMPANY NATIONAL COMMERCIAL SERVICES:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2, 4, 5, 7A, 8, AND 9 OF TABLE A, THEREOF. THE FIELD WORK WAS COMPLETED ON 07/08/25.

DATE OF PLAT OR MAP: 07/09/25

DRAFT

ANTHONY T. SYCKO, JR., P.S.
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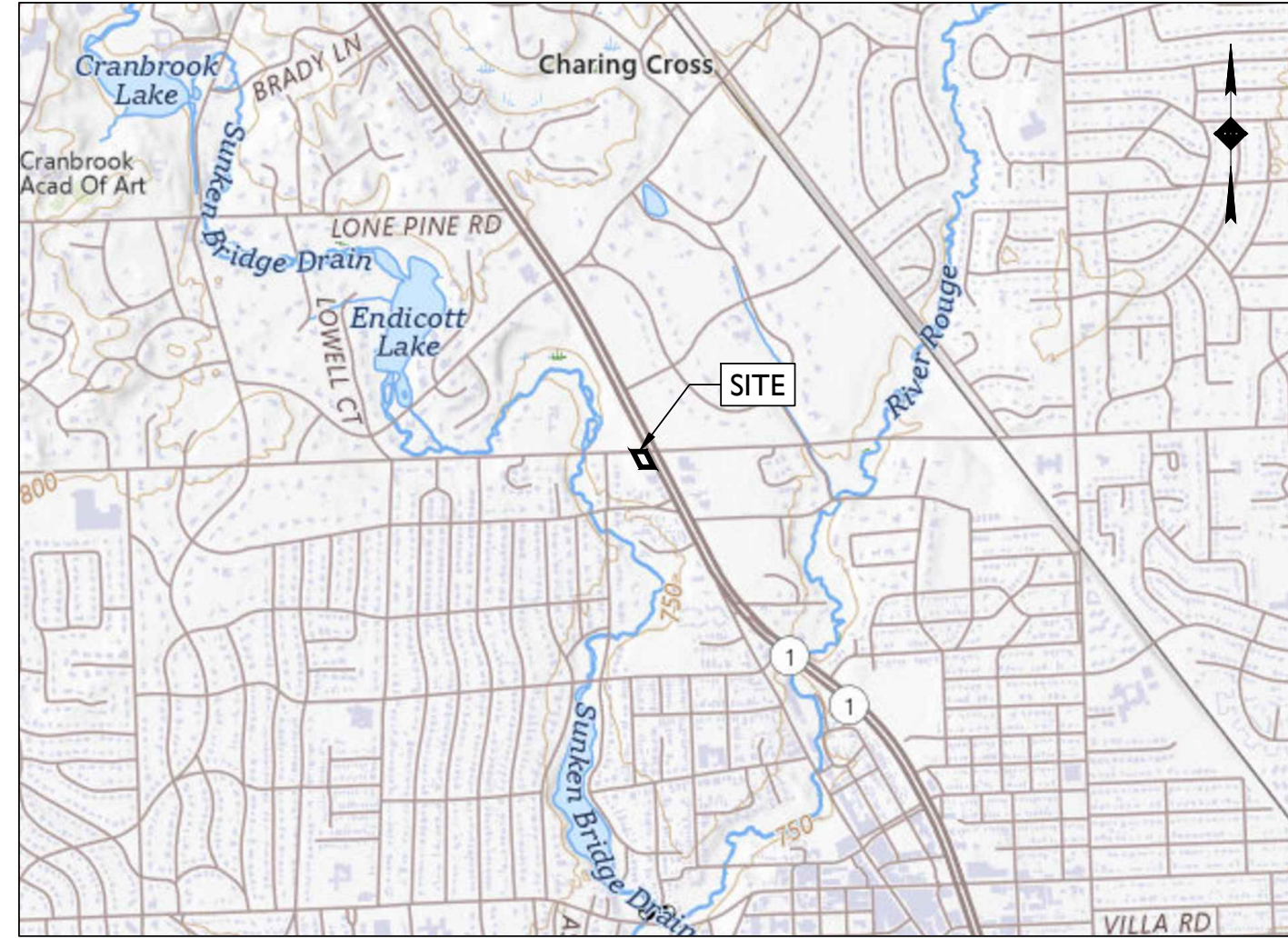
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ALTA / NSPS LAND TITLE SURVEY
PREPARED FOR: INVESTMENT FINANCIAL LLC
36977 WOODWARD AVENUE, BIRMINGHAM, MICHIGAN
PART OF SECTION 25,
TOWN 2 NORTH, RANGE 10 EAST

DATE	BY	REVISION	DESCRIPTION
07/09/25	ATS	1	07/14/25
07/09/25	ATS	1	07/14/25
JULY 09, 2025	ATS	1	07/14/25
25-01192	SCALE	1" = 20'	

PRIOR TO CONSTRUCTION ALL LOCATIONS AND DEPTHS OF EXISTING UTILITIES SHALL BE VERIFIED IN THE FIELD. CALL MISS DIG 3 WORKING DAYS PRIOR TO CONSTRUCTION.





SOURCE: USGS ONLINE MAPS

LOCATION MAP

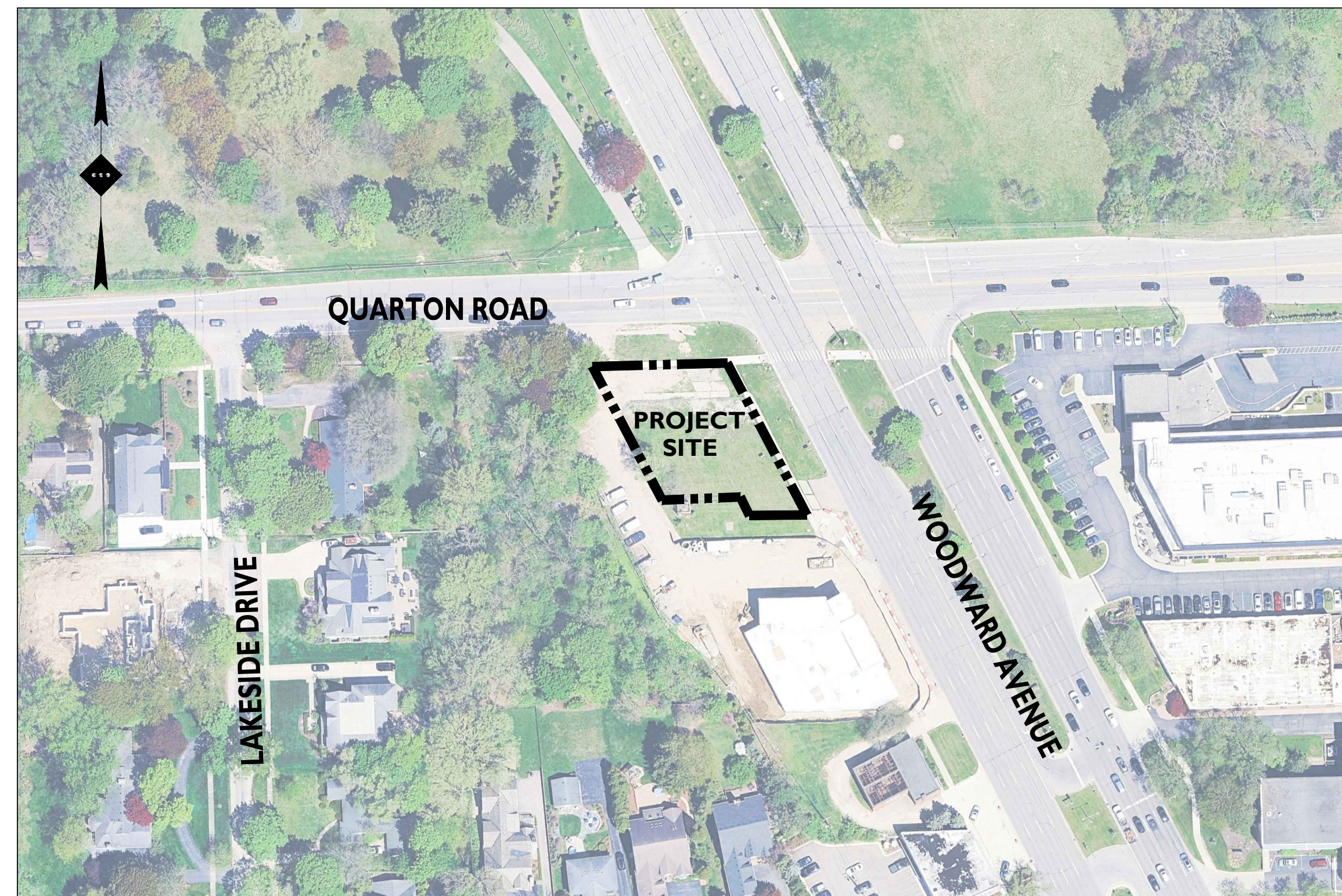
SCALE: 1" = 2,000'±

SITE DEVELOPMENT PLANS FOR 36977 WOODWARD AVE. PROPOSED OFFICE SPACE

PARCEL ID: 1925101006
36977 WOODWARD AVENUE
CITY OF BIRMINGHAM, OAKLAND COUNTY, MI 48009

APPLICANT

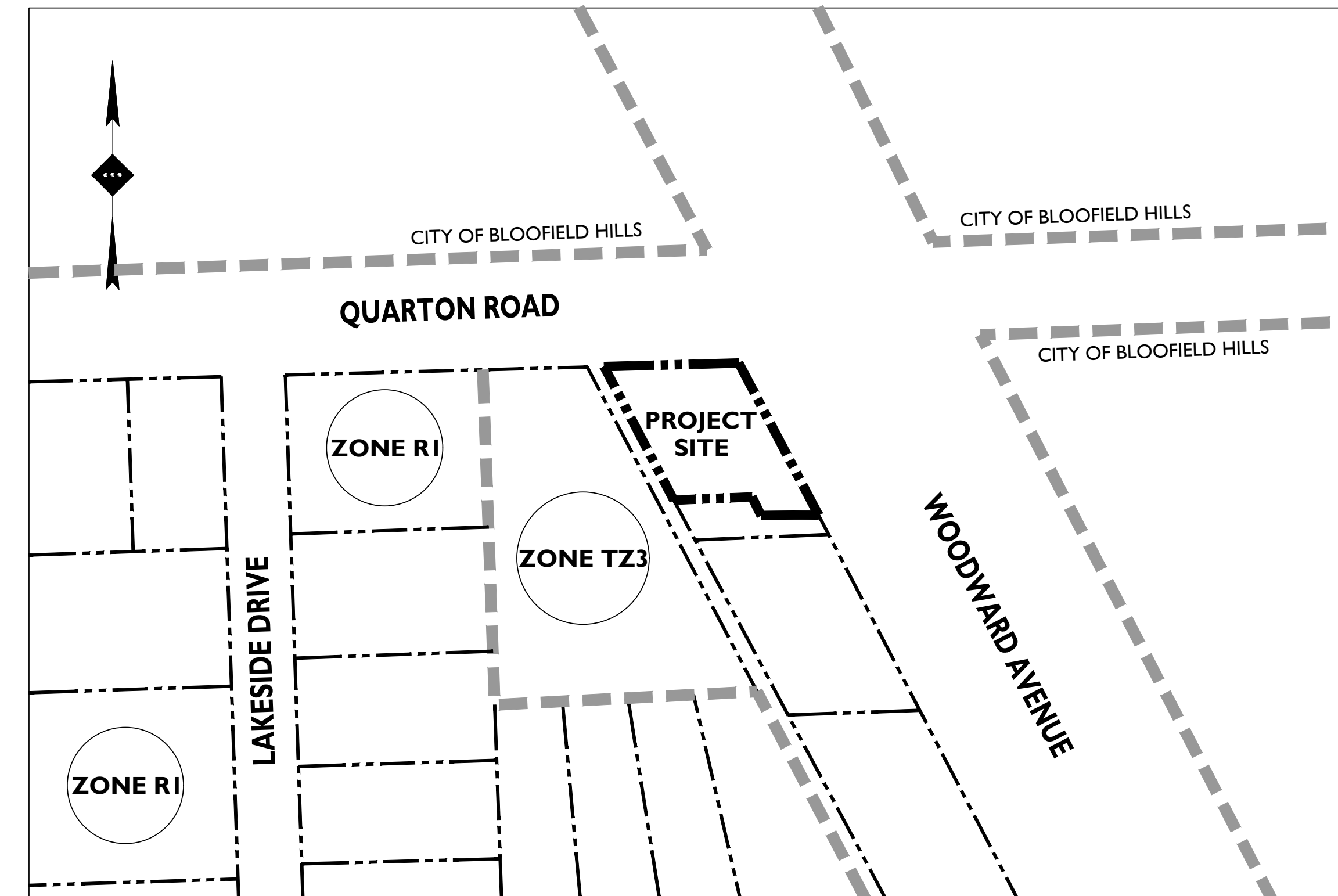
THURMPIRE LLC
4421 PARNELL DRIVE, CLARKSTON, MI 48346
MUNICIPALITY, STATE ZIP
586-9299004
THURMAND@AOL.COM



SOURCE: GOOGLE EARTH PRO

AERIAL MAP

SCALE: 1" = 100'±



SOURCE: CITY OF BIRMINGHAM ZONING MAP & OAKLAND COUNTY GIS MAP

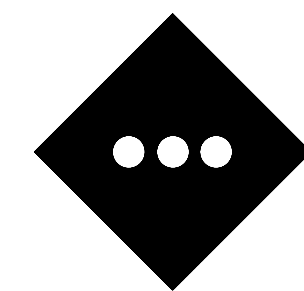
ZONING MAP

SCALE: 1" = 100'±

PLANS PREPARED BY:



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Phone 248.247.1115

PLAN REFERENCE MATERIALS:

- THIS PLAN SET REFERENCES THE FOLLOWING DOCUMENTS INCLUDING, BUT NOT LIMITED TO:
 - SURVEY PREPARED BY KEM-TEC & ASSOCIATES INC. DATED 07/08/2025
 - ARCHITECTURAL PLANS PREPARED BY KRIEGER KLATT ARCHITECTS
 - GEOTECHNICAL REPORT
 - AERIAL MAP OBTAINED FROM GOOGLE EARTH PRO
 - LOCATION MAP OBTAINED FROM USGS ONLINE MAPS
- ALL REFERENCE MATERIAL LISTED ABOVE SHALL BE CONSIDERED A PART OF THIS PLAN SET AND ALL INFORMATION CONTAINED WITHIN THESE MATERIALS SHALL BE UTILIZED IN CONJUNCTION WITH THIS PLAN SET. THE CONTRACTOR IS RESPONSIBLE TO OBTAIN A COPY OF EACH REFERENCE AND REVIEW IT THOROUGHLY PRIOR TO THE START OF CONSTRUCTION.

SHEET INDEX

DRAWING TITLE	SHEET #
COVER SHEET	C-1
SITE PLAN	C-2
GRADING & STORMWATER MANAGEMENT PLAN	C-3
LIGHTING PLAN	C-4
LANDSCAPING PLAN & DETAILS	C-5 & C-6
CONSTRUCTION DETAILS	C-7 & C-8

ADDITIONAL SHEET INDEX

DRAWING TITLE	SHEET #
ALTA / NSPS LAND TITLE SURVEY	SHEET 1 OF 1

NO.	DATE	BY	DESCRIPTION
2	10/06/2025	VAF	REVISED PER SITE PLAN COMMENTS
1	08/14/2025	AJVF	SITE DEVELOPMENT PLANS

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SITE DEVELOPMENT PLANS

36977 WOODWARD AVE.

PROPOSED OFFICE BUILDING

PARCEL ID: 1925101006
36977 WOODWARD AVENUE
CITY OF BIRMINGHAM
OAKLAND COUNTY, MI 48009



SCALE: AS SHOWN PROJECT ID: DET-240470

TITLE:

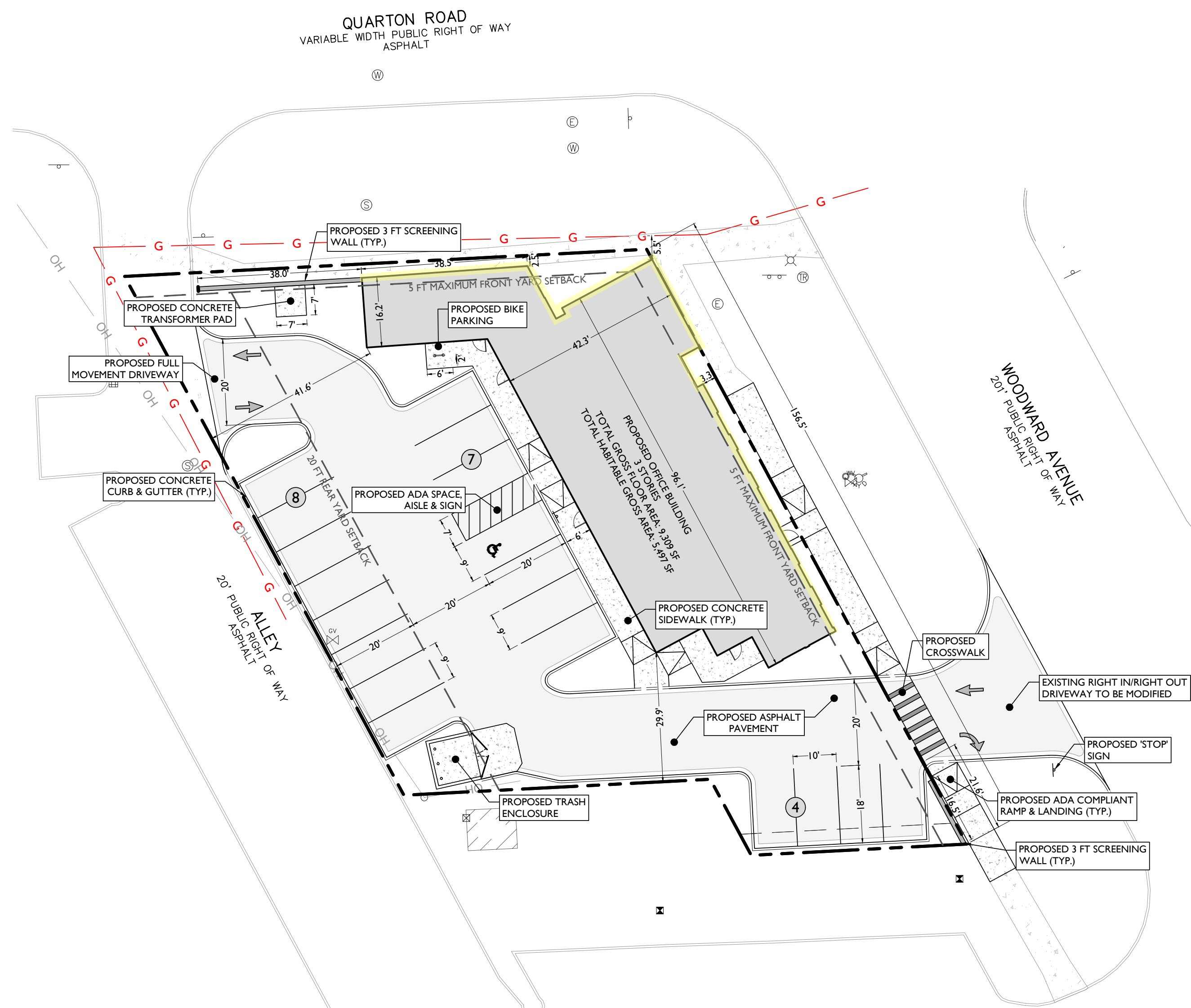
COVER SHEET

DRAWING:

C-1

V:\0725\027251\027251_KRIEGER_KLATT - 36977 WOODWARD AVENUE, BIRMINGHAM, MI\CADD\PL\0725101-COVER.DWG

WOODWARD AVENUE, BIRMINGHAM, MI 48009



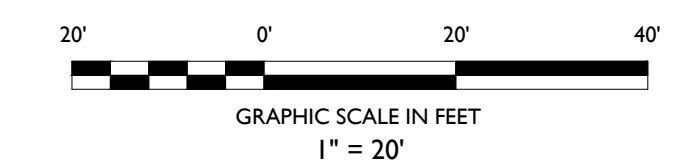
LAND USE AND ZONING		
PARCEL ID: 1925101006		
TRANSITION ZONE (TZ) DISTRICT		
PROPOSED USE	PERMITTED USE	
OFFICE	OFFICE	
ZONING REQUIREMENT	REQUIRED	PROPOSED
MAXIMUM BUILDING HEIGHT	42 FT (4 STORIES)	3 STORIES
MINIMUM BUILDING HEIGHT	24 FT (2 STORIES)	3 STORIES
MINIMUM FRONT YARD SETBACK	0-5 FT ⁽¹⁾ : 75% (117.4 FT)	PROVIDED: 61.4% (96.1 FT)(V)
MINIMUM SIDE YARD SETBACK	0 FT	29.9 FT
MINIMUM REAR YARD SETBACK	10 FT	41.6 FT
BUILDING LOCATION	ADJ. TO INTERSECTION	PROVIDED

(V) VARIANCE
 (1) BUILDING FACADE SHALL BE BUILT TO WITHIN 5 FEET OF THE FRONT LOT LINE FOR A MINIMUM OF 75% OF THE STREET FRONTAGE LENGTH: (156.50 FT)(0.75) = 117.4 FT

OFF-STREET PARKING REQUIREMENTS		
CODE SECTION	REQUIRED	PROPOSED
§ 4.46, TABLE A	OFFICE PARKING: 1 SPACE FOR EACH 300 SF OF FLOOR AREA 5,606 SF (1 SPACE / 300 SF) = 19 SPACES	19 SPACES
§ 9.02	MINIMUM PARKING SPACE DIMENSIONS: 180 SF	PROVIDED
§ 4.53.A	PARKING LOT FRONTAGE: NO MORE THAN 60 FT	21.6 FT
§ 4.53.B	PARKING LOT SCREENING: 3 FT WALL BETWEEN SIDEWALK	PROPOSED

SYMBOL	DESCRIPTION
---	PROPERTY LINE
- - - - -	SETBACK LINE
====	PROPOSED CURB & GUTTER
=====	PROPOSED FLUSH CURB
○ ○ ○	PROPOSED SIGNS / BOLLARDS
■	PROPOSED BUILDING
□	PROPOSED CONCRETE
□	PROPOSED ASPHALT
■	PROPOSED SCREENING WALL
∩	PROPOSED BUILDING DOORS

- GENERAL NOTES**
- THE CONTRACTOR SHALL VERIFY AND FAMILIARIZE THEMSELVES WITH THE EXISTING SITE CONDITIONS AND THE PROPOSED SCOPE OF WORK (INCLUDING DIMENSIONS, LAYOUT, ETC.) PRIOR TO INITIATING THE IMPROVEMENTS IDENTIFIED WITHIN THESE DOCUMENTS. SHOULD ANY DISCREPANCY BE FOUND BETWEEN THE EXISTING SITE CONDITIONS AND THE PROPOSED WORK, THE CONTRACTOR SHALL NOTIFY STONEFIELD ENGINEERING & DESIGN, LLC PRIOR TO THE START OF CONSTRUCTION.
 - THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND ENSURE THAT ALL REQUIRED APPROVALS HAVE BEEN OBTAINED PRIOR TO THE START OF CONSTRUCTION. COPIES OF ALL REQUIRED PERMITS AND APPROVALS SHALL BE KEPT ON SITE AT ALL TIMES DURING CONSTRUCTION.
 - ALL CONTRACTORS WILL, TO THE FULLEST EXTENT PERMITTED BY LAW, INDEMNIFY AND HOLD HARMLESS STONEFIELD ENGINEERING & DESIGN, LLC, AND ITS SUB-CONSULTANTS FROM AND AGAINST ANY DAMAGES AND LIABILITIES INCLUDING ATTORNEY'S FEES ARISING OUT OF CLAIMS BY EMPLOYEES OF THE CONTRACTOR IN ADDITION TO CLAIMS CONNECTED TO THE PROJECT AS A RESULT OF NOT CARRYING THE PROPER INSURANCE FOR WORKERS COMPENSATION, LIABILITY INSURANCE, AND LIMITS OF COMMERCIAL GENERAL LIABILITY INSURANCE.
 - THE CONTRACTOR SHALL NOT DEVIATE FROM THE PROPOSED IMPROVEMENTS IDENTIFIED WITHIN THIS PLAN SET UNLESS APPROVAL IS PROVIDED IN WRITING BY STONEFIELD ENGINEERING & DESIGN, LLC.
 - THE CONTRACTOR IS RESPONSIBLE TO DETERMINE THE MEANS AND METHODS OF CONSTRUCTION.
 - THE CONTRACTOR SHALL NOT PERFORM ANY WORK OR CAUSE DISTURBANCE ON A PRIVATE PROPERTY NOT CONTROLLED BY THE PERSON OR ENTITY WHO HAS AUTHORIZED THE WORK WITHOUT PRIOR WRITTEN CONSENT FROM THE OWNER OF THE PRIVATE PROPERTY.
 - THE CONTRACTOR IS RESPONSIBLE TO RESTORE ANY DAMAGED OR UNDERMINED STRUCTURE OR SITE FEATURE THAT IS IDENTIFIED TO REMAIN ON THE PLAN SET. ALL REPAIRS SHALL USE NEW MATERIALS TO RESTORE THE FEATURE TO ITS EXISTING CONDITION AT THE CONTRACTOR'S EXPENSE.
 - CONTRACTOR IS RESPONSIBLE TO PROVIDE THE APPROPRIATE SHOP DRAWINGS, PRODUCT DATA, AND OTHER REQUIRED SUBMITTALS FOR REVIEW. STONEFIELD ENGINEERING & DESIGN, LLC, WILL REVIEW THE SUBMITTALS IN ACCORDANCE WITH THE DESIGN INTENT AS REFLECTED WITHIN THE PLAN SET.
 - THE CONTRACTOR IS RESPONSIBLE FOR TRAFFIC CONTROL IN ACCORDANCE WITH MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, LATEST EDITION.
 - THE CONTRACTOR IS REQUIRED TO PERFORM ALL WORK IN THE PUBLIC RIGHT-OF-WAY IN ACCORDANCE WITH THE APPROPRIATE GOVERNING AUTHORITY AND SHALL BE RESPONSIBLE FOR THE PROCUREMENT OF STREET OPENING PERMITS.
 - THE CONTRACTOR IS REQUIRED TO RETAIN AN OSHA CERTIFIED SAFETY INSPECTOR TO BE PRESENT ON SITE AT ALL TIMES DURING CONSTRUCTION & DEMOLITION ACTIVITIES.
 - SHOULD AN EMPLOYEE OF STONEFIELD ENGINEERING & DESIGN, LLC, BE PRESENT ON SITE AT ANY TIME DURING CONSTRUCTION, IT DOES NOT RELIEVE THE CONTRACTOR OF ANY OF THE RESPONSIBILITIES AND REQUIREMENTS LISTED IN THE NOTES WITHIN THIS PLAN SET.



NO.	DATE	ISSUE	BY	DESCRIPTION
2	10/06/2025	1	VAF	REVISED PER SITE PLAN COMMENTS
1	08/14/2025	1	AEV/E	SITE DEVELOPMENT PLANS

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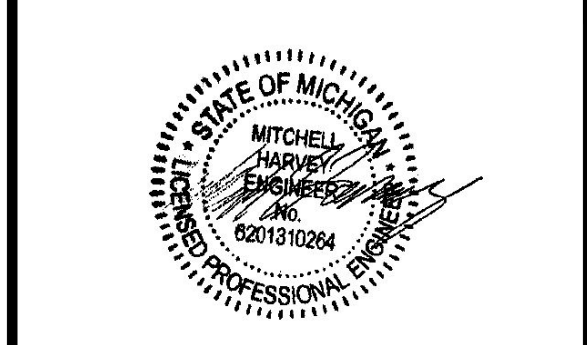
555 S. Old Woodward Avenue, Suite 12L, Birmingham, MI 48009
 Phone: 248.247.1115

SITE DEVELOPMENT PLANS

36977 WOODWARD AVE.

PROPOSED OFFICE BUILDING

PARCEL ID: 1925101006
 36977 WOODWARD AVENUE
 CITY OF BIRMINGHAM
 OAKLAND COUNTY, MI 48009



STONEFIELD
 engineering & design

SCALE: 1" = 20' PROJECT ID: DET-240470

TITLE: **SITE PLAN**

DRAWING: **C-2**

Issued	Description	By
2025-08-15	SPA - Preliminary	JP
2025-10-06	SPA - Final	JP
2025-10-13	BZA Submittal	JP

PRELIMINARY NOT FOR CONSTRUCTION

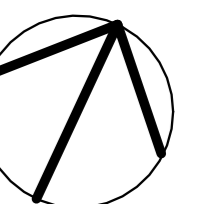
Seal:



Note:

Do not scale drawings. Use calculated dimensions only. Verify existing conditions in field.

North Arrow:



Sheet Title:

Floor Plans

Project Number:

25-092

Sheet Number:

A.100



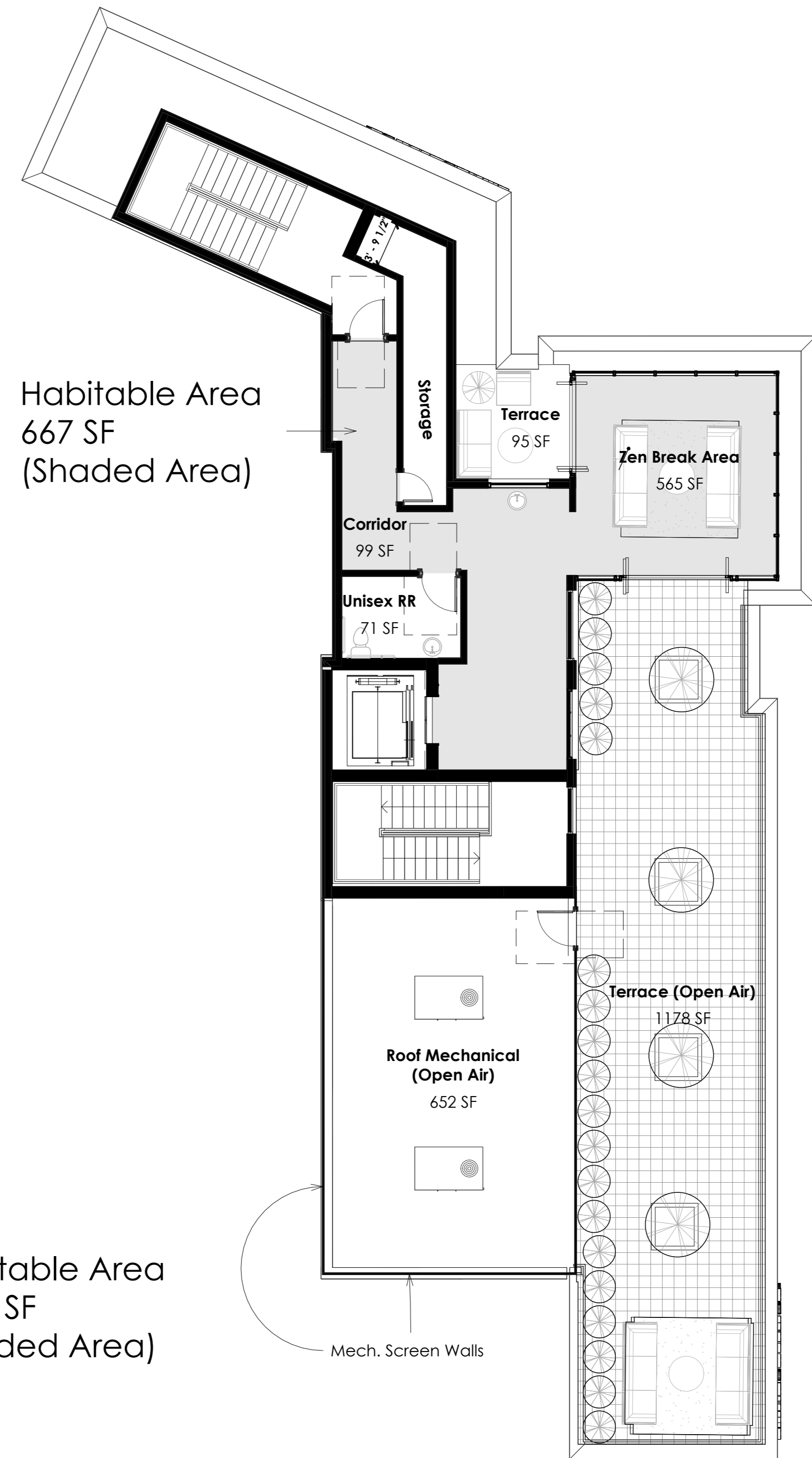
First Floor Plan

1/8" = 1'-0"



Second Floor Plan

1/8" = 1'-0"



Partial Third Floor Plan w/ Open Air Rooftop Terrace

1/8" = 1'-0"

Issued	Description	By
2025-08-15	SPA - Preliminary	JP
2025-10-06	SPA - Final	JP
2025-10-13	BZA Submittal	JP



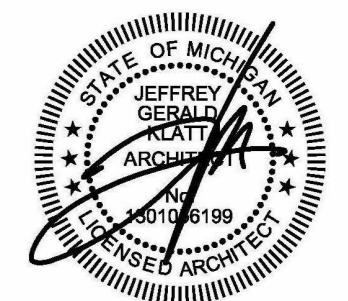
South (Left Side) Elevation
1/8" = 1'-0"



West (Rear) Elevation
1/8" = 1'-0"

PRELIMINARY NOT FOR CONSTRUCTION

Seal:



Note:
Do not scale drawings. Use
calculated dimensions only.
Verify existing conditions in field.
North Arrow:

Sheet Title:
Exterior Elevations

Project Number:
25-092

Sheet Number:
A.203



View of East facade from Woodward Avenue



View of Northeast facade from intersection of Woodward Avenue and Quarton Road



View of Southeast facade from Woodward Avenue



View of West facade from public alley

Krieger Klatt Architects

400 E. Lincoln Ave., Ste. A | Royal Oak, MI 48067
 P: 248.414.9270 F: 248.414.9275
 www.kriegerklatt.com

Client:

Thurmpire LLC
 4421 Pamell Drive,
 Clarkston, MI 48346

Project:

InvestWise Financial Office
 36999 Woodward Avenue
 Birmingham, MI 48009

Issued	Description	By
2025-08-15	SPA - Preliminary	JP
2025-10-06	SPA - Final	JP
2025-10-13	BZA Submittal	JP

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Seal:



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North Arrow:

Sheet Title:

Exterior Renderings

Project Number:

25-092

Sheet Number:

A.300

Krieger Klatt Architects

400 E. Lincoln Ave., Ste. A | Royal Oak, MI 48067
P: 248.414.9270 F: 248.414.9275
www.kriegerklatt.com

Client:
Thumpire LLC
4421 Pamell Drive,
Clarkston, MI 48346

Project:
InvestWise Financial Office
36999 Woodward Avenue
Birmingham, MI 48009

Issued	Description	By
2025-08-15	SPA - Preliminary	JP
2025-10-06	SPA - Final	JP
2025-10-13	BZA Submittal	JP

Seal:



Note:
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calculated dimensions only.
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North Arrow:

Sheet Title:
Aerial Rendering

Project Number:
25-092

Sheet Number:
A.302



Aerial rendering of building in context to surrounding area

PRELIMINARY NOT FOR CONSTRUCTION

