

**Birmingham Board Of Zoning Appeals Minutes
December 9, 2025
City Commission Room
151 Martin Street, Birmingham, Michigan**

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Minutes of the regular meeting of the City of Birmingham Board of Zoning Appeals ("BZA") held on December 11, 2025. The meeting was convened at 7:30 p.m.

2. ROLL CALL

Present: Chair Erik Morganroth; Board Members Kevin Hart, Carl Kona, Richard Lilley, John Miller, Ron Reddy; Alternate Board Member Donald Rogers

Absent: Vice Chair Jason Canvasser; Alternate Board Member Susan Shacket

Staff: Building Official Zielke; City Planner Aldred-Arens, Planning Director Dupuis, City Transcriptionist Eichenhorn, Assistant Building Official Erickson, Assistant Building Official Morad

3. ANNOUNCEMENTS

Announcements may be found in the evening's agenda packet.

4. APPROVAL OF THE MINUTES OF THE BZA MEETINGS OF OCTOBER 28, 2025

Motion by Lilley

Seconded by Kona to approve.

Motion carried, 7-0.

VOICE VOTE

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

Nays: None

5. APPEALS

- 1) 1061 Forest
Appeal 25-28**

Mr. Hart noted his recusal from this case due to a business relationship, and exited the room.

ABO Morad presented the item, explaining that the owner of the property known as 1061 Forest was requesting 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 answered questions from the Board.

John Van Brouck, representative for the appellant, reviewed the letter describing why these variances were being sought. The letter was included in the evening's agenda packet.

Board members raised the following points during discussion:

- It is generally expected that a design would remain within the building envelope when creating a home with an attached garage.

Motion by Miller

Seconded by Reddy with regard to A. Appeal 25-28, 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; and 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.

Mr. Miller moved to approve variances A and B and tied approval to the plans as submitted. Due to the unique conditions of the lot and the structures that were relocated on it, this would not set a precedent. The front and side yard designations make it very challenging to improve this property. The provisions of the zoning ordinance, if strictly applied, would unreasonably prevent the property owner from using the property in a reasonable way. This would also result in an unnecessary hardship. Granting these variances would still align with the spirit and intent of the zoning ordinance. Since part of the home serves as the front for most purposes, adding a porch to that area was a reasonable request. This would allow for substantial justice to the property owner and the neighbors.

The Chair thought it reasonable for the appellant to have a porch comparable to their neighbors' that would still meet front setback requirements, even though it would be on the side of the home in this case. For the garage, different requirements exist for attached and detached garages, and this proposal did not align with either requirement. The desire to expand the home did not require attaching to a garage located at a meaningful distance from the building envelope. If the home were built new, an attached garage would not be permitted this near to the side yard. For these reasons, the Chair could not support the motion.

Motion carried, 4-2.

ROLL CALL VOTE

Yeas: Miller, Lilley, Reddy, Rogers

Nays: Kona, Morganroth

**2) 925 Larchlea
Appeal 25-29**

ABO Erickson presented the item, explaining that the owner of the property known as 925 Larchlea was requesting 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 answered questions from the Board.

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

Board members raised the following points during discussion:

- If the appellant were to build along the inset to conform with the setback, the roof below would need to be redone. This would also require a variance.

Public Comment

Donna Klein opposed the proposed variance.

Motion by Hart

Seconded by Rogers with regard to Appeal 25-29, 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.

Mr. Hart moved to approve the variance and tied approval to the plans as submitted. He said the appellant explained the difficulties of the site and was cognizant not to expand the footprint of the encroachment. If the second story was constructed to be compliant with the setback the existing roof structure to the south would have to be

reconstructed and would also require a variance. This proposal achieves substantial justice for the neighborhood by not expanding the footprint beyond the extant encroachment. It also keeps this older home viable.

Mr. Miller supported the motion, noting that this variance would bring this house into alignment with the neighboring houses to the north and south, which both have second floors above the garages. When this house was built in 1950, it was built slightly out of alignment with the neighboring homes at the time.

The Chair supported the motion, concurring with his colleagues. He added that allowing the variance creates symmetry without expanding the pre-existing non-conformity. Requiring the second floor to be pulled back in order to comply to the ordinance would look unusual and would not do justice to the homeowner.

Motion carried, 7-0.

ROLL CALL VOTE

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

Nays: None

**3) 36977 Woodward
Appeal 25-30**

CP Alred-Arens presented the item, explaining that the owner of the property known as 36977 Woodward was requesting 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 answered informational questions from the Board.

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

Board members raised the following points during discussion:

- Though an aesthetically-pleasing feature, the second variance request seemed to be more of a preference for the appellant than a necessity.
- Flat detail, reducing the height of the glass area, and/or a shallower pitch might also reduce or eliminate the need for the variance.

- The variance request for the width might be appropriate given the challenges with the lot's shape and driveway.
- It was difficult to understand how lowering the peak of the glass greenhouse structure would impact the HVAC or structural elements.
- The drawings seemed to indicate that the glass area would be taller than the adjacent building area.
- Since the heights between floors and the overall height are presently somewhat flexible, it seems it would be possible to create the glass peak at a maximum of 42 feet.
- The pitch of the glass does not need to be as steep as other materials would need to be in order to prevent water movement and drainage.
- The new Birmingham RH Building has a similar glass feature that is less pitched.
- If the building is measured by the midpoint of the highest point of the roof, and the glass element is considered part of a segmented the roof, the parameters of this request may or may not change. It would be helpful to determine whether the height of the glass feature might actually comply with the ordinance.
- If the glass element had been aligned with the front facade, it would likely have looked architecturally and aesthetically inappropriate.
- The appellant could request that the width of the building be voted on tonight and that a vote on the glass feature be postponed until engineering designs could provide more clarity on the required heights and dimensions.

Motion by Kona

Seconded by Rogers with regard to Appeal 25-30, 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; and 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.

Mr. Kona moved to approve variance A and to deny variance B. The unique shape of the lot required special consideration. The lot has been vacant for approximately 60 years, and it was likely challenging to devise ways to develop the lot. It would be an unnecessary hardship to deny variance A, would not be contrary to the spirit of the ordinance to approve variance A, and granting variance A would do substantial justice since it would allow a development on a previously vacant corner. For variance B, no hardship necessitating the variance was demonstrated. The drawings, proposed heights, and the overall height of the structure seemed to indicate that there would be ways to eliminate the need for variance B which still achieving a similar space. Denying variance B should not result in an unnecessary hardship since a similar space could be created, should still align with the spirit and purpose of the ordinance, and would not result in a substantial injustice.

Mr. Miller said variance B should be allowed as a minimal request that was inconsequential to the intent of the ordinance. Variance B would allow the creation of a reasonable and desirable feature for this gateway building. Allowing it would be a

positive element for the City and for the neighborhood. He said he would support variance A as well. For these reasons he could not support the present motion.

Mr. Hart said he did not support the present motion because he believed that the height proposal compiled or nearly complied with the ordinance in spirit and in letter. If one were to take the measurement from the midpoint of a gable, this would probably be conforming or close to it. This is an important lot for the City as it is located at an entrypoint. The ordinance that would be varied from with variance B is to avoid being disproportionately tall for adjacent buildings, but in this particular case there are no adjacent buildings to the north or the west. This would be an exceptional feature for this building and the building should be allowed to differentiate itself.

Motion carried, 4-3.

ROLL CALL VOTE

Yeas: Kona, Morganroth, Reddy, Rogers

Nays: Hart, Miller, Lilley

6. CORRESPONDENCE

Any submitted 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 9:25 p.m.



Jeff Zielke, Building Official



Laura Eichenhorn, City Transcriptionist