



**Agenda**  
**Board of Zoning Appeals Regular Meeting**  
**Tuesday, March 10, 2026 - 7:30 PM**  
**151 Martin Street, Birmingham, MI**  
**City Commission Room 205**

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- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. ANNOUNCEMENTS**
- 4. APPROVAL OF THE MINUTES**
  - a) February 10
- 5. APPEALS**

<b>Address</b>	<b>Petitioner</b>	<b>Appeal</b>	<b>Type/Reason</b>
1070 LINCOLN CT	JAMES SCIGLIANO	26-02	Dimentional
504 WILLITS	PAUL SAMARTION	26-07	Dimentional
1711 LATHAM	CHRIS LAMPHEAR	26-09	Dimentional

- 6. CORRESPONDENCE**
- 7. GENERAL BUSINESS**
- 8. OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA**
- 9. ADJOURNMENT**

City boards and committees meet in person, and most have a virtual option available to the public. Members of the public may attend the Board of Zoning Appeals meeting in person at Birmingham City Hall or attend virtually.

**Link to Access Virtual Meeting:** [https://zoom.us/j/963 4319 8370](https://zoom.us/j/96343198370)  
**Telephone Meeting Access:** 877 853 5247 US Toll-free  
**Meeting ID Code:** [963 4319 8370](https://zoom.us/j/96343198370)

City Hall is open to the public during regular business hours, Monday through Friday from 8 a.m. – 5 p.m. The Police Department lobby entrance on the east side of City Hall on Pierce Street operates as the after-hours public entrance.

Individuals requiring assistance to enter the building should request aid via the intercom system at the parking lot entrance gate on Henrietta Street.

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

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)

### **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



**Board Of Zoning Appeals – Regular Meeting Minutes  
February 10, 2026 – 7:30 p.m.  
City Commission Room 205, 151 Martin Street, Birmingham, MI**

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**1. CALL TO ORDER**

Minutes of the regular meeting of the City of Birmingham Board of Zoning Appeals (“BZA”) held on February 10, 2026. The meeting was convened at 7:30 p.m.

**2. ROLL CALL**

Present: Vice Chair Jason Canvasser; Board Members Kevin Hart, Carl Kona, John Miller, Ron Reddy

Absent: Chair Erik Morganroth; Board Member Richard Lilley; Alternate Board Members Donald Rogers, Susan Shacket

Staff: Building Official Zielke; 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 JANUARY 13, 2026**

**Motion by Miller**

**Seconded by Kona to approve.**

**Motion carried, 5-0.**

VOICE VOTE

Yeas: Reddy, Canvasser, Hart, Miller, Kona

Nays: None

**5. APPEALS**

**1) 1420 W Lincoln**

## Appeal 26-06

ABO Erickson presented the item, explaining that the owner of the property known as 1420 W Lincoln was requesting the following variance to construct a new 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 68.25 feet. The proposed is 62.83 feet. Therefore, a variance of 5.42 feet is being requested.

Staff answered questions from the Board.

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

The Board discussed the following regarding the item:

- This would not have a negative impact on any other lots if this variance were granted.
- While the applicant will be purchasing the neighboring lot as well, since no lot combination has occurred, the variance request is only for the lot containing 1420 W. Lincoln.
- The Board can consider as part of its deliberation how this variance request might impact the second lot and the adjacent lots in the future.

### Public Comment

Sarah Dodge opposed the variance request due to its large size within the neighborhood context and its possible impact on her home.

Richard Sharer opposed the variance request due to its large size within the neighborhood context and the resulting removal of trees from the property.

### **Motion by Kona**

**Seconded by Miller with regard to 142 W Lincoln, Appeal 26-06, 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 68.25 feet. The proposed is 62.83 feet. Therefore, a variance of 5.42 feet is being requested.**

**Mr. Kona moved to approve the motion tied to the plans, noting that the lot was disadvantaged by its back lot being nearly three times the size of its front. This disproportion creates a lot of constraints for building on the lot. The steep decline on the lot also constrains where the house may be placed. His approval was based on the special conditions of the property, that a disapproval would be an unnecessary hardship for the owner, that granting the variance would not be contrary to the spirit or purpose of the ordinance, that it would not be contrary to public health, safety, or welfare, and that granting the variance would result in substantial justice to the owner, owners in the area, and the general public.**

**Mr. Miller noted that the variance request was small relative to the approximately 68 foot side yard setback. He did not recall having to deal with a side yard setback this**

large, and explained that demonstrated the unusual nature of the lot. For this reason, he supported the motion.

Mr. Reddy supported the motion as well. He explained that while he understood the neighbors' concern, the five foot variance would have a relatively small impact on the large home that could otherwise be built by right on this large lot.

The Vice Chair supported the motion, noting for the public that the Board has a very specific set of factors it must consider when deciding whether to grant or deny a review. He noted that popularity, square footage, and aesthetics were not aspects considered during Board review. Since this lot is irregularly shaped, granting the variance was appropriate. If the lot were square and the same size, a substantially larger home could be built by right. A house will be built on the lot at some point, and this particular request is minimal and should not impact the property or any adjacent homeowners, including the potential future owners of the presently vacant lot next door.

Mr. Hart supported the motion as well, noting that both the topography and the unusual shape posed challenges for the appellant. He said granting the variance would allow the property to be landscaped properly and would also be an appropriate use of the property. He concurred that it would not pose difficulties for any of the neighboring properties.

**Motion carried, 5-0.**

ROLL CALL VOTE

Yeas: Reddy, Canvasser, Hart, Miller, Kona

Nays: None

**2) 551 S Bates  
Appeal 26-07**

ABO Morad presented the item, explaining that the owner of the property known as 551 S Bates was requesting the following variance to construct a front covered porch and steps:

- A. 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 proposed is 15.00 feet. Therefore, a variance of 5.00 feet is being requested.

Staff answered questions from the Board.

Jeff Rizzo, 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 Miller with regard to 551 S Bates, A. 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 proposed is 15.00 feet. Therefore, a variance of 5.00 feet is being requested.**

Mr. Reddy moved to approve tied to the plans, noting the home was 100 years old and that the variance would largely recreate the previous porch and stair conditions. He noted the home was pre-existing, non-conforming. Literal enforcement would be unnecessarily burdensome as it would prevent stairs from being built for porch access. Granting the variance would not be contrary to the spirit or purpose of the zoning ordinance, and granting the variance would result in substantial justice to the property owners.

Mr. Miller seconded, noting that while the stair treads were slightly larger than the previous stairs, this was likely safer for exterior stairs that would be used in a range of weather conditions.

**Motion carried, 6-0.**

ROLL CALL VOTE

Yeas: Reddy Canvasser, Hart, Miller, Kona

Nays: None

## **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**

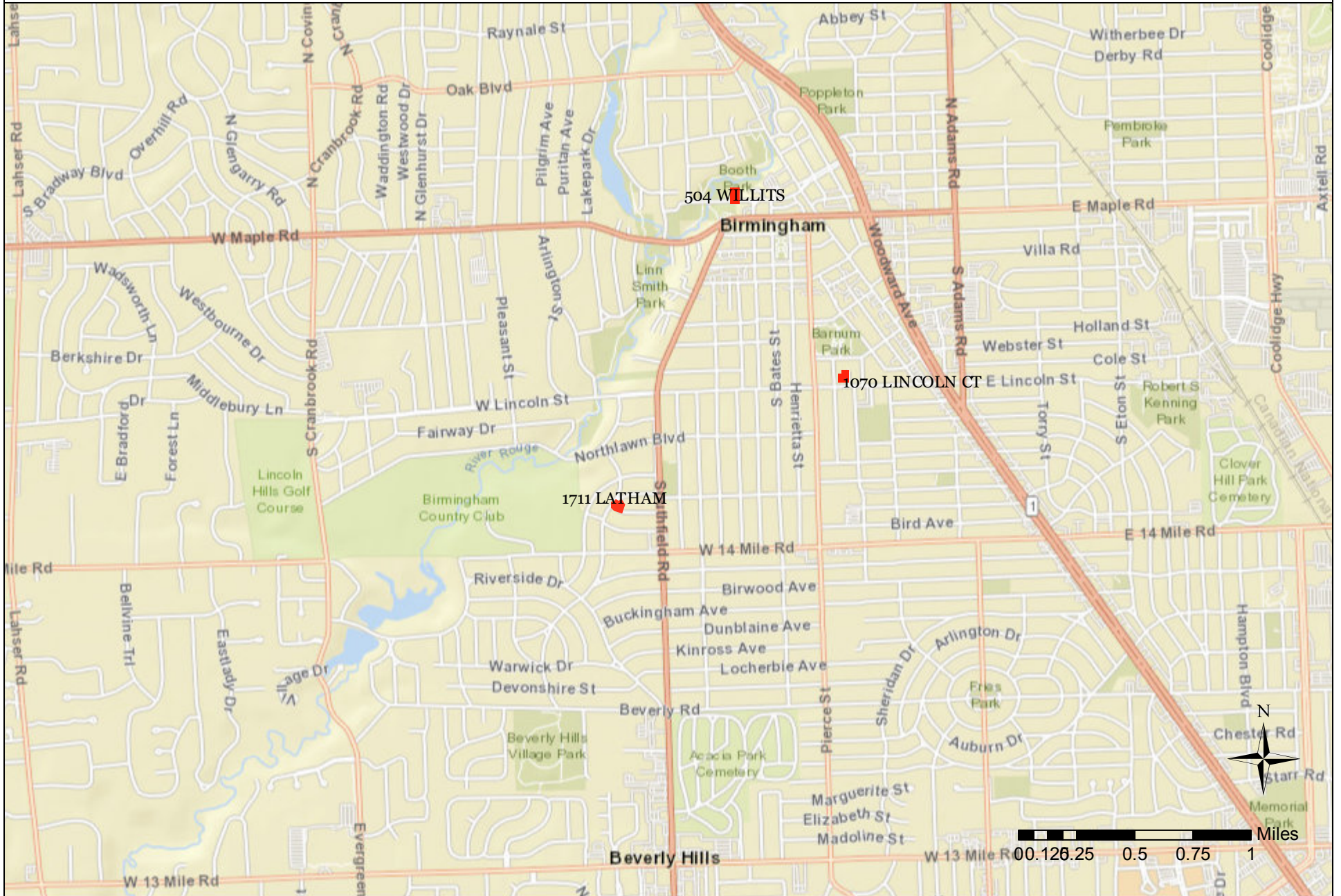
No further business being evident, the Board motioned to adjourn at 8:03 p.m.



eff Zielke, Building Official

.aura Eichenhorn, City Transcriptionist

# MARCH BZA MAP



# **CASE DESCRIPTION**

**1070 LINCOLN CT (26-02)**

**Hearing date: March 10, 2026**

**Appeal No. 26-02:** The owner of the property known as **1070 Lincoln ct**, requests the following variances to construct a new home:

A. Chapter 126, Article 2, Section 2.10.2 of the Zoning Ordinance requires a minimum rear yard setback of 30.00 feet. The proposed is 16.71 feet. Therefore, a variance of 13.29 feet is being requested.

B. Chapter 126, Article 2, Section 2.10.2 of the Zoning Ordinance requires a minimum combined front and rear setback of 55.00 feet. The proposed is 41.00 feet. Therefore a variance of 14.00 feet is being requested.

**Staff Notes:** This applicant is proposing to build a new home.  
**This property is zoned R3 – Single family residential.**

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Andrew Erickson  
Assistant Building Official

# CHAPTER 126 - ZONING

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## ARTICLE 8: ENFORCEMENT AND PENALTIES

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### 8.01 The Board of Zoning Appeals

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

(EACH i-iv must be satisfied)

# 1070 LINCOLN CT



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

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

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

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

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

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

Address: 1070 Lincoln Court	Lot Number: 13	Sidwell Number: 1936255017
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**II. OWNER INFORMATION:**

Name: Stella and Salvatore Scigliano			
Address: 3364 Circle Drive	City: Commerce Township	State: MI	Zip code: 48382
Email:* stellascigliano@hotmail.com		Phone: 248-535-5710	

**III. PETITIONER INFORMATION:**

Name: Gennaro James Scigliano	Firm/Company Name:		
Address: 2308 Orchard Road	City: Ottawa Hills	State: OH	Zip code: 43606
Email: gennarojames@yahoo.com		Phone: 419-276-9691	

**IV. GENERAL INFORMATION:**

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

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

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

*Variance Chart Example*

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


**V. REQUIRED INFORMATION CHECKLIST:**

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

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

**VI. APPLICANT SIGNATURE**

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

Signature of Owner:  Date: 02.10.26

Signature of Petitioner:  Date: 02.10.26

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

**ARTICLE I - Appeals**

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

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

C. The order of hearings shall be:

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

D. Motions and Voting

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

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

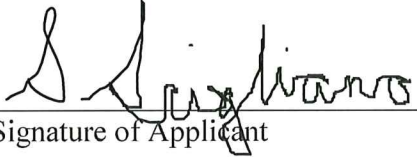
- A. The Board may reverse, affirm, vary or modify any order, requirement, decision or determination as in its opinion should be made, and to that end, shall have all the powers of the officer from whom the appeal has been taken.
- B. The decisions of the Board shall not become final until the expiration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

## **ARTICLE III - Rehearings**

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

 02.10.26  
\_\_\_\_\_  
Signature of Applicant

February 10, 2026

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

**Subject: 1070 Lincoln Court, Birmingham Michigan**  
Rear Yard and Minimum Combined Front & Rear Set-Back Variance Request  
Letter of Practical Difficulty and / or Hardship

Dear Board of Zoning Appeals,

Stella and Salvatore Scigliano, the owners of 1070 Lincoln Court, present information to the board in support of a rear yard set-back variance request and the minimum combined front & rear set-back variance request. The variance requests are related to the design and proposed construction of a new home for Stella and Sal Scigliano.

In creating the design for the proposed home, Stella and Sal worked within the expected front and side yard set-backs, along with the requirement that the attached two-car garage will sit 5.00' back from the front of the house. With the above expectation, the Scigliano family worked to keep the proposed new home close to the footprint of the existing house and within the allowable property coverage. The attached Certified Survey displays the new home superimposed atop the existing house. The proposed home also includes the attached two-car garage in lieu of the stand-alone garage at the northwest corner of the property.

**Variance Request 1 – Rear Yard Setback**

The Scigliano Family's follow-up from the meeting with the Building Department resulted in the attached documents that include a proposed rear yard set-back of 16.71' from the rear exterior wall face of the garage along the first floor only.

<b>Requested Variance No. 1</b>	<b>Required</b>	<b>Proposed</b>	<b>Variance Amount</b>
Rear Yard Set-Back at Garage	30.00'	16.71'	<b>13.29'</b>

The practical difficulty of following the rear yard set-back requirement in Zoning District R3 for the design and construction of a new home would have resulted in a house depth of 13.71' on the 68.00' deep property at 1070 Lincoln Court (68.00' less 24.29' average front yard set-back calculation and less 30.00' rear yard set-back, equal to 13.71').

The setback requirements for a home in Zoning District R3 work well for the site when the property is oriented with the smaller lot dimension running in-line with the street and the property's depth representing the larger dimension. The City of Birmingham R3 Zoning Map reinforces this expectation, with the 1070 Lincoln Court property layout being in the minority where its only long property dimension is along the roadway.

**Variance Request 2 – Minimum Combined Front and Rear Setback**

The proposed rear yard setback addressed in Variance Request 1 also affects the minimum combined front and rear setback requirement in Zoning District R3. The front setback of 24.29' plus the 16.71' proposed rear yard setback from the garage rear wall to the back property line sums to 41.00', which is 14.00' less than the zoning requirement of 55.00' and would extend an additional 0.71' into the footprint of the new proposed home.

<b>Requested Variance No. 2</b>	<b>Required</b>	<b>Proposed</b>	<b>Variance Amount</b>
Minimum Combined Front & Rear Setback	55.00'	41.00'	14.00'

The practical difficulty in following the 55.00' combined front and rear yard setbacks for the property at 1070 Lincoln Court would allow for the construction of a 13.00' deep home (68.00' lot depth less 55.00' combined setback requirement). Variance Request No. 1 and No. 2 are related as the Variance Request No. 2 dimension of 14.00' encompasses the entire 13.29' Variance Request No. 1 value, extending 0.71' further into the proposed footprint of the home.

Both variance requests are identified on the attached Preliminary Site Plan displaying dimensions and different outline color coding between each request with Variance Request No. 1 also displaying a wide-spaced crosshatching along the rear of the proposed home.

Stella and Sal Scigliano would also like to present the following for the BZA's consideration.

- Existing Home at 1070 Lincoln Court is Nonconforming

A review of the proposed Preliminary Site Plan provided for the BZA's use also displays the existing home at 1070 Lincoln Court. Please note that the current home also encroaches on the rear yard setback. Built in 1941, the existing home likely predates the current zoning and would be considered non-conforming per the current requirements.

Below are calculations used to calculate the difference between the existing home and proposed home rear exterior wall:

Existing home front set-back of 25.20' plus 22.20' depth of home equals 47.40' to rear exterior wall face.

Proposed Home front set-back of 24.29' plus 27.00' depth of home equals 49.29' to the exterior rear wall.

Proposed Garage front set-back of 29.29' plus 22.00' depth of garage equals 51.29' to rear of garage.

The new proposed home would extend 1.89' (49.29' less 47.40') further into the rear yard than the current home at 1070 Lincoln Court. The new proposed attached garage would extend an additional 2.00' (total of 3.89') into the rear yard and is no longer a stand-alone structure adjacent to the north and west property lines.

- Overhead Utility Line Above Existing Home

Also visible within the proposed Preliminary Site Plan is the pole-to-pole overhead utility line that crosses over the existing home at the south end of the property. Per the attached DTE Energy powerline brochure, DTE strongly discourages construction under power lines. The proposed new home would no longer be directly below the overhead utility line, helping to reduce the chance of damage or injury if that overhead line should fall on the existing home.

- New Home Consideration to Lessen the Visual Impact

Features associated with the proposed new home to help minimize its massing on the property, and provided to the BZA for its review, include the following:

- Shed roof over the new home with the roof's low point along the rear elevation.
- The low point along the rear elevation sits on a proposed 7'- 6" rear exterior wall at the Second Floor. This wall height is 1'- 6" shorter than the exterior wall at the front of the house.
- The two-car garage, which encroaches the furthest distance into the rear yard setback does not extend above the height of the garage on the First Floor.

- The two-car garage is now incorporated into the home design and not a separate structure on the property providing greater separation and open space between 1070 Lincoln Court and the neighboring property to the north. The quantity of paved areas and its lot coverage is also reduced per the new home plan.

Provided along with this letter, please find the completed and signed application, certified survey, proposed new home drawings, and BZA application fee submitted to the Community Development Department.

Sincerely,

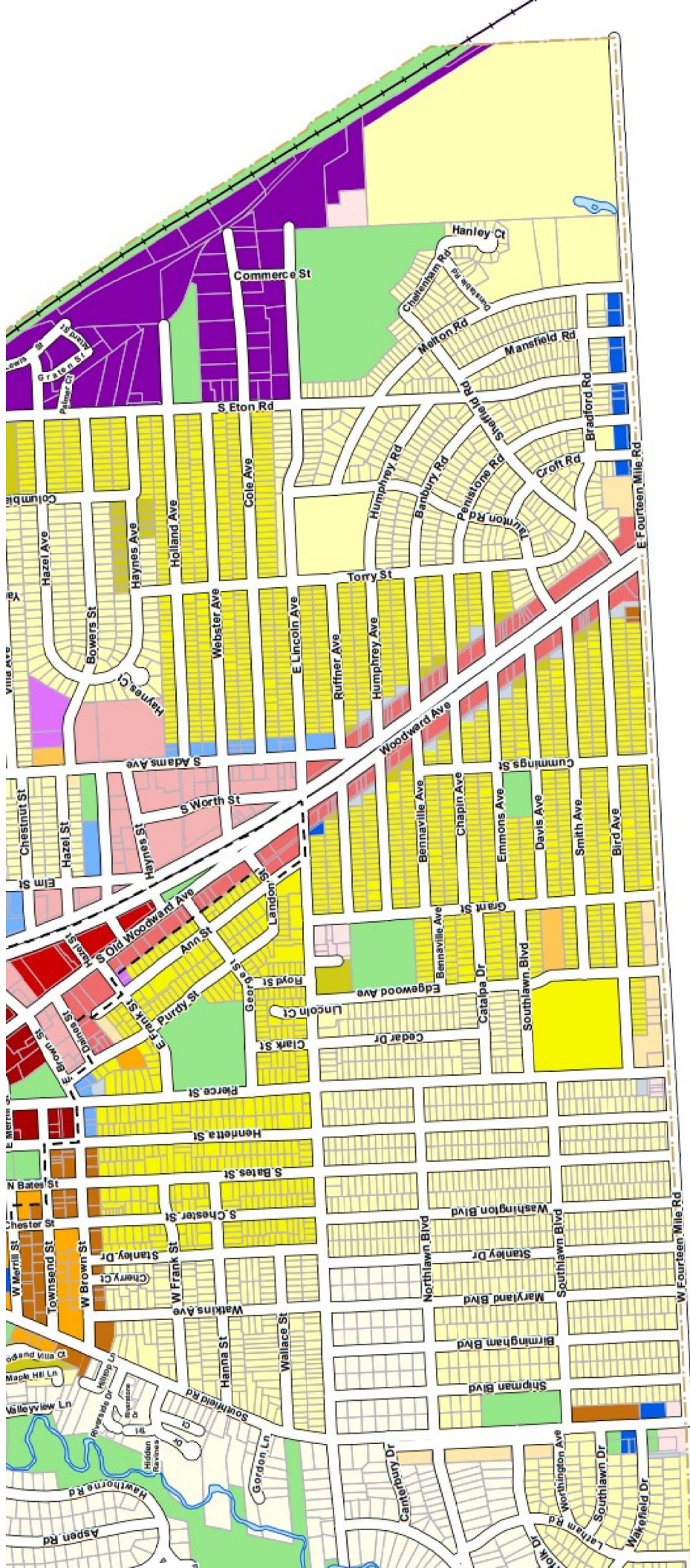


Gennaro James Scigliano  
(419) 276-9691

ATTACH      Completed / Signed Application for Zoning Variance Request  
Above Letter re Practical Difficulty and / or Hardship re Current Zoning  
Certified Survey Bundled for 1070 Lincoln Court (Sheet 1 of 1)  
Proposed New Home Design Drawings (Sheets 1 thru 7 of 7)

R3 Zone Map Screenshot  
DTE – Power Line Location Brochure

cc:            Stella and Salvatore Scigliano  
260203 Birmingham BZA Variance Req Letter for 1070 Lincoln Court.docx



### Zoning Districts

- |  |      |                             |   |     |                             |
|--|------|-----------------------------|---|-----|-----------------------------|
|  | R1   | Single-Family Residential   |  | R7  | Multiple-Family Residential |
|   | R1-A | Single-Family Residential   |  | R8  | Multiple-Family Residential |
|   | R2   | Single-Family Residential   |  | TZ1 | Transitional Zoning 1       |
|   | R3   | Single-Family Residential   |  | TZ3 | Transitional Zoning         |
|   | R4   | Two-Family Residential      |  | MX  | Mixed-Use                   |
|   | R5   | Multiple-Family Residential |  | B-1 | Neighborhood Business       |
|   | R6   | Multiple-Family Residential |  | B-2 | General Business            |
|  |      |                             |  | B-2 | General Business            |

# City Of Birmingham Zoning Map



## Leave room for safe maintenance

No matter where your building is located, keep in mind that window washers, brick masons or other contractors may need to safely work on the outside. The Michigan Occupational Safety and Health Act (MIOSHA) requires that workers, and their tools, be located at least 10 feet away from overhead power lines. Before beginning construction, it's a good idea to verify the required clearances for the type of work necessary on the outside of your structure. Visit the MIOSHA web site ([michigan.gov/lara](http://michigan.gov/lara)) for more information.

DTE Energy looks forward to working with you to ensure that your construction or renovation is both successful and safe in the future.



## NEW STRUCTURES AND POWER LINES

When you're building or renovating a structure, it's important to consider safety first. This includes considering the location of nearby overhead power lines. Keeping an appropriate distance between your building and DTE Energy power lines is a vital part of ensuring the occupants of your building are safe. It will also help you avoid future mistakes and delays.

### Understanding the safety buffer

The National Electric Safety Code (NESC) requires that all structures - including homes, buildings, garages, signs and billboards - be located a minimum safe distance away from overhead power lines in every direction. The NESC rules provide the standard for safety around electrical lines. DTE Energy, and all of its customers, must follow these rules.



## Avoid delays, call before you build

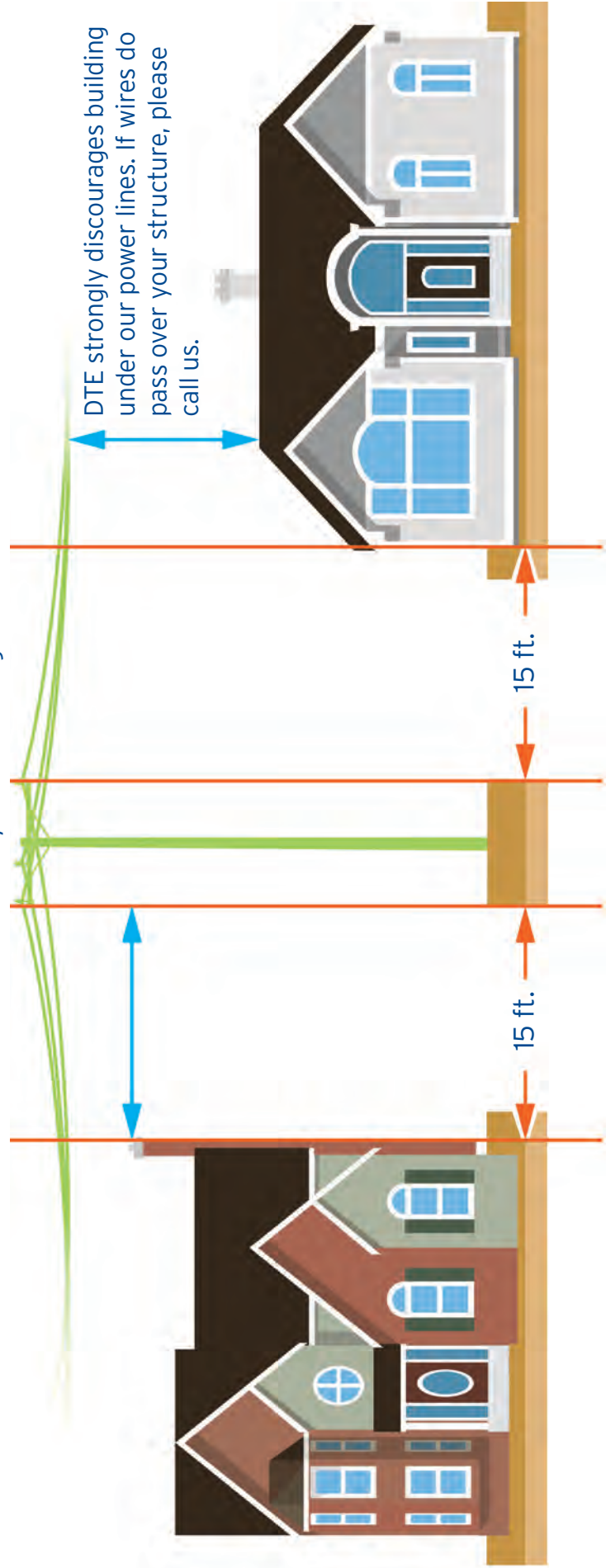
As part of its commitment to provide safe and reliable electrical service and comply with national regulations, DTE Energy will not energize structures that violate NESC clearances. To avoid future delays, we recommend you contact DTE Energy at 800-477-4747 under the following circumstances:

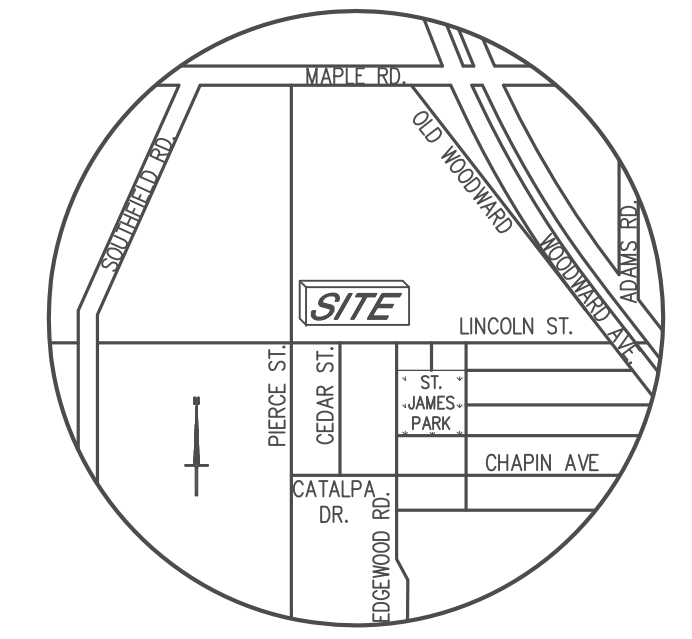
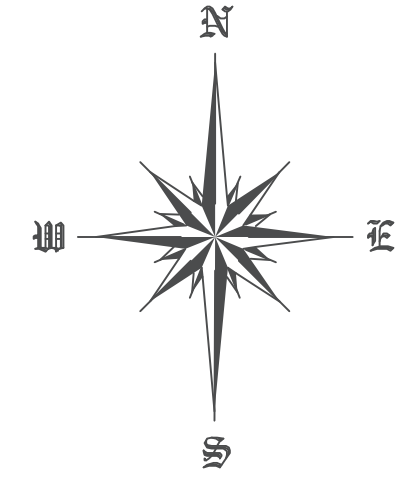
- If you are planning to build or renovate any structure located closer than 15 feet horizontally from an overhead power line.
- If any portion of your structure or building will be located underneath a power line.

DTE Energy wants to make sure your building process goes as smoothly as possible. Don't let assumptions interfere with your future timeline. Contact us if you have any questions or are unsure about the distance between power lines and your structure. DTE Energy will meet with you and your local municipal electrical inspector to provide guidance.

## Clearance of Wires from Building

If less than 15 feet horizontally from building or structure then call





**LEGEND**

- EX. GRADE
- EX. INDEX CONTOUR
- EX. CONTOUR
- EX. WATER MAIN
- EX. STORM SEWER
- EX. SANITARY SEWER
- EX. OVERHEAD
- EX. GAS
- EX. UNDERGROUND
- EX. FENCE
- EX. RAILROAD
- EX. WALL
- EX. Q. OF DITCH
- EX. WETLAND
- HYDRANT
- CATCH BASIN
- MANHOLE
- SIGN
- GATE VALVE
- LIGHT POLE
- UTILITY POLE
- METAL LIGHT POLE
- TOP OF BERM
- TOE OF BERM
- TREE TAG
- TOP OF CURB
- GUTTER
- TOP OF ASPHALT
- TOP OF WALK
- TOP OF WALL
- FOUND IRON ROD
- SET IRON ROD
- FOUND IRON PIPE
- ASPHALT
- CONCRETE

**TOPO. NOTES:**

- THIS SURVEY WILL NOT SHOW ALL EASEMENTS OF RECORD UNTIL AN UPDATED TITLE POLICY HAS BEEN FURNISHED TO THE SURVEYOR BY THE OWNER.
- ALL ELEVATIONS ARE EXISTING ELEVATIONS
- SUBJECT PROPERTY IS LOCATED IN ZONE X. AREA OF MINIMAL FLOODING. PER FEMA FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 26125C0537F. EFFECTIVE DATE: SEPTEMBER 29, 2006.
- THE LOCATION OF THE EXISTING UTILITIES AS SHOWN WERE OBTAINED FROM MUNICIPAL AND UTILITY COMPANIES RECORDS. NO GUARANTEE CAN BE MADE REGARDING THE COMPLETENESS OR EXACTNESS OF THE UTILITIES LOCATION. IT IS THE CONTRACTORS RESPONSIBILITY TO VERIFY IN THE FIELD THE LOCATION OF ALL UTILITIES. ANY POTENTIAL CONFLICT SHALL BE REPORTED TO THE ENGINEER PRIOR TO CONSTRUCTION.
- THE CONTRACTOR SHALL CONTACT MISS DIG 3 WORKING DAYS PRIOR TO CONSTRUCTION.

VARIANCE CHART				
REQUESTED VARIANCE	REQUIRED	PROPOSED	VARIANCE AMOUNT	VARIANCE AREA
REAR YARD SETBACK AT GARAGE	30.00'	16.71'	13.29'	
MINIMUM COMBINED FRONT & REAR SETBACK	55.00'	41.00'	14.00'	

HOUSE SETBACKS	
HOUSE NO 1094	24.00 FT
HOUSE NO 1095	24.52 FT
HOUSE NO 1085	24.35 FT
HOUSE AVG.	24.29 FT

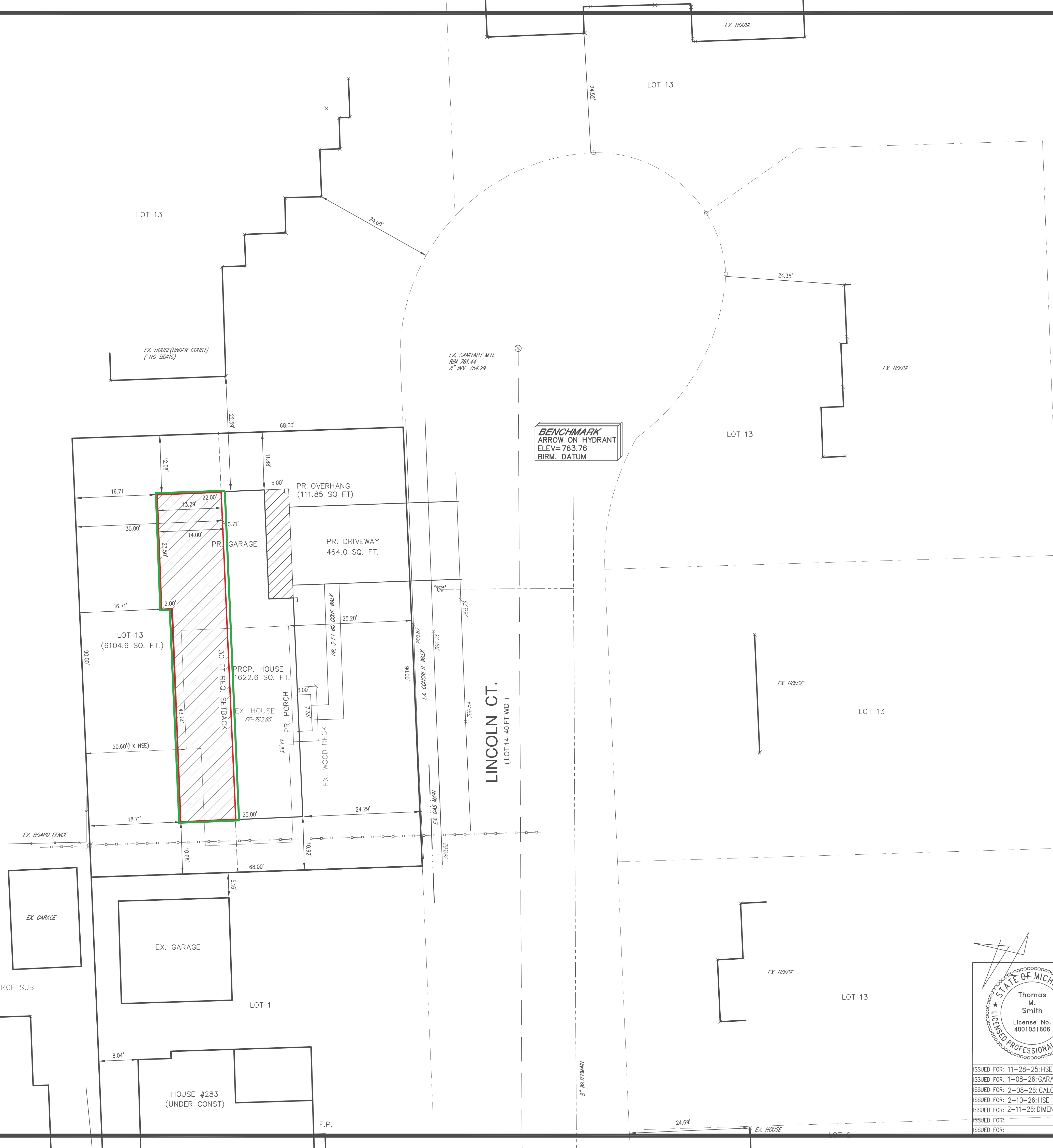
**CALCULATIONS:**

LOT SIZE:	6104.6 SQ. FT.
HOUSE & GARAGE	1616.10 SQ. FT.
DRIVEWAY	464.0 SQ. FT.
FRONT PORCH	21.99 SQ FT
PR OVERHANG	111.85 SQ FT
	<u>2,213.94 SQ. FT. (36.27% IMPER.)</u>

**LEGAL DESCRIPTION:**  
LOT 13, ASSESSOR'S PLAT NO. 8, CITY OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN.

**SURVEYORS CERTIFICATE:**  
I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY DESCRIBED HEREON THAT THE PROPERTY LINES ARE AS SHOWN.

THOMAS M. SMITH  
R.L.S. No. 31606



©2022

**THOMAS M. SMITH P.S.**  
PROFESSIONAL LAND SURVEYOR

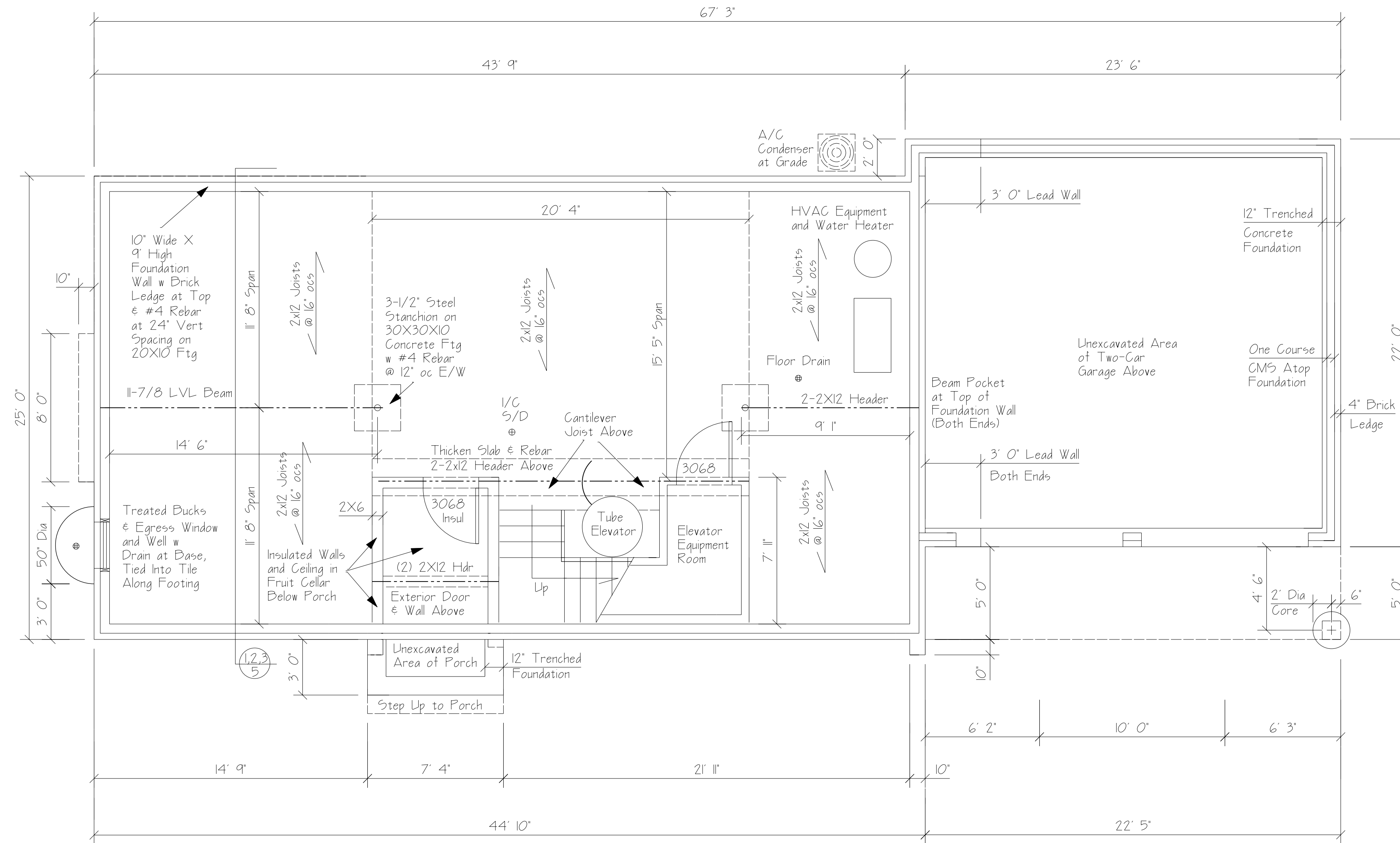
7559 OLDE STURBRIDGE TRAIL  
CLARKSTON, MICHIGAN 48348

tsmith7559@yahoo.com  
PHONE: (248) 625-3276

ISSUED FOR: 11-28-25: HSE SETBACK	TITLE	DRAWN BY: TMS
ISSUED FOR: 1-08-26: GARAGE-CALCS	PRELIM SITE PLAN	CHECKED BY: TMS
ISSUED FOR: 2-08-26: CALCS		APPROVED BY: TMS
ISSUED FOR: 2-10-26: HSE SIZE		SCALE HORIZ. 1"=10'
ISSUED FOR: 2-11-26: DIMENSIONS		SCALE VERT. N/A
ISSUED FOR:	CLIENT	DATE 09-21-25
	SCIGLIANO	PROJECT No. 22-169
		SHEET No. 1 of 1



LEGEND	
I/C S/D	Interconnected Smoke Detector
EF	Exhaust Fan
FD	Floor Drain



# Foundation Plan




Sheet Title  
Foundation Plan

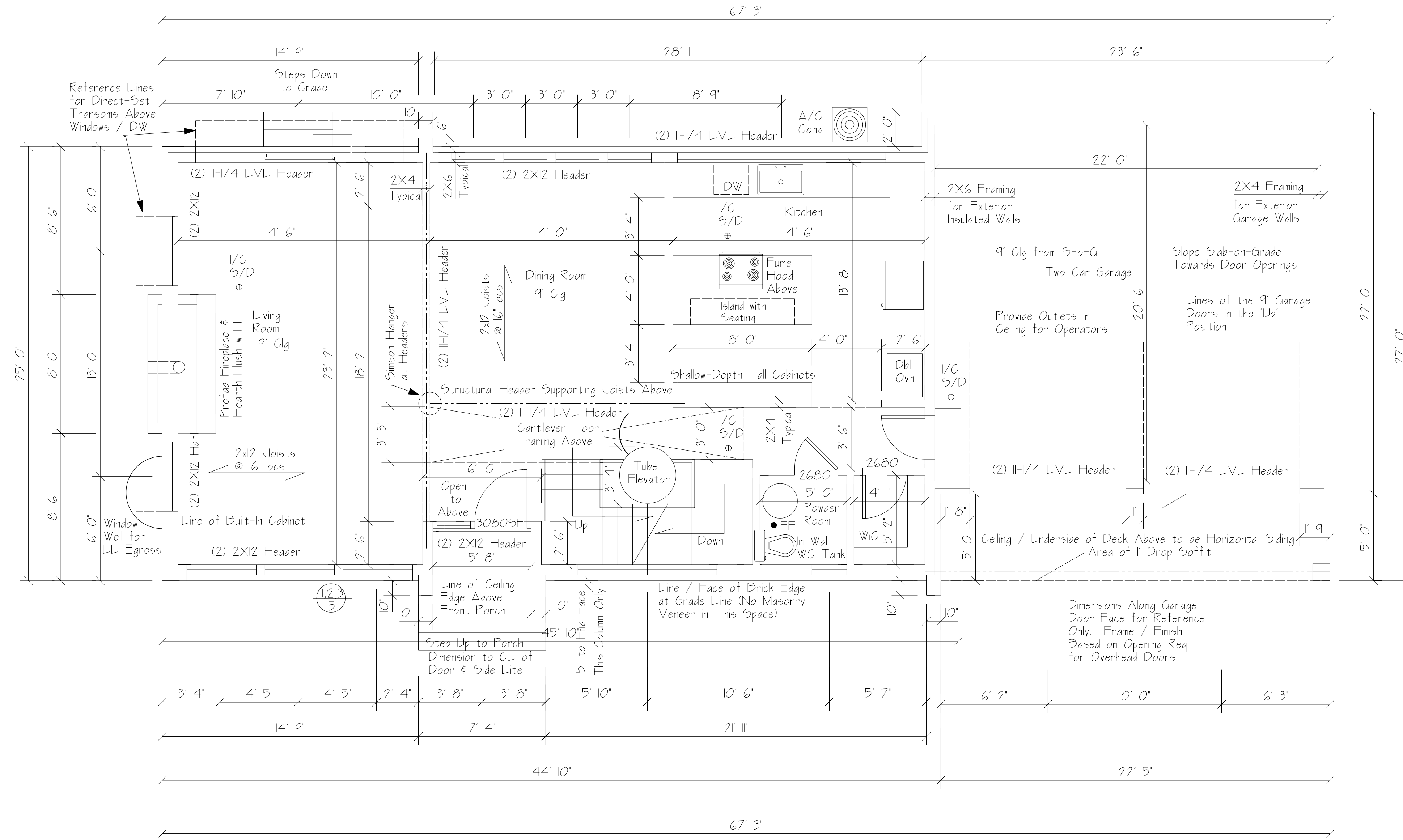
Project Name  
New Home Construction  
1070 Lincoln Court, Birmingham Michigan

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

Date:  
~~07/15/25~~  
~~10/24/25~~  
12/08/25

Sheet No.  
2  
of  
7

LEGEND	
	Interconnected Smoke Detector
	Exhaust Fan
	Floor Drain



# First Floor Plan

Sheet Title  
First Floor Plan

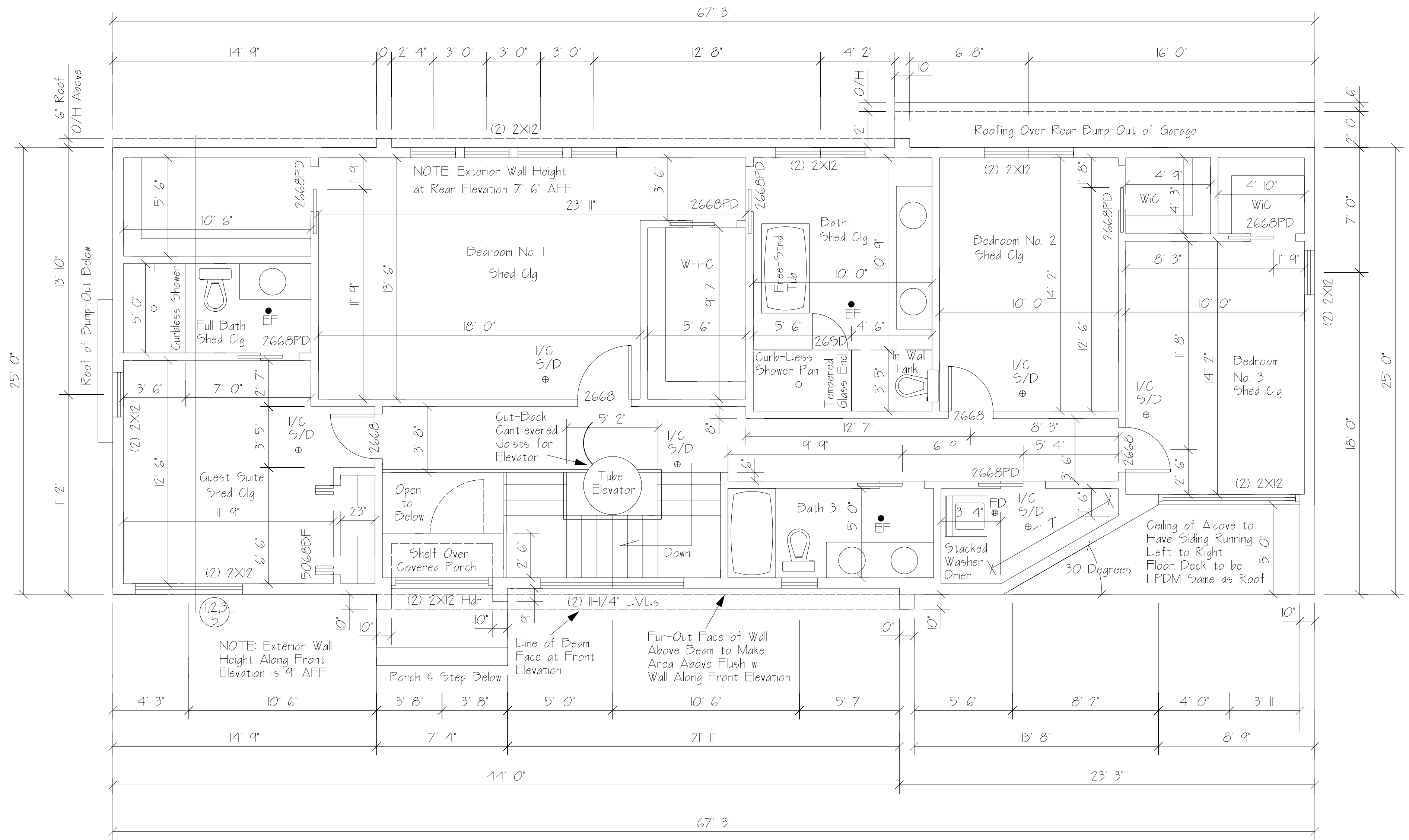
Project Name  
New Home Construction  
1070 Lincoln Court, Birmingham Michigan

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

Date:  
~~07/15/25~~  
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12/08/25

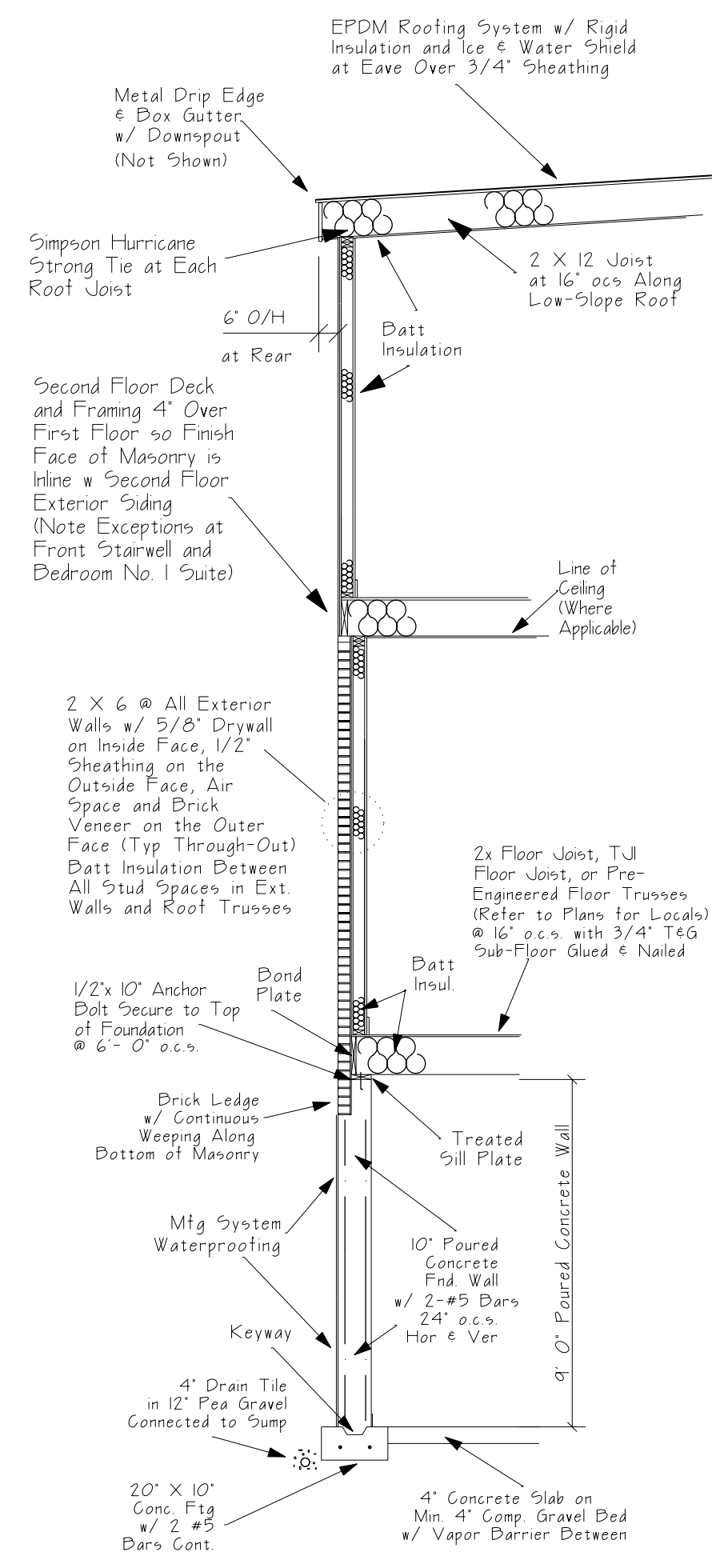
Sheet No.  
3  
of  
7

LEGEND	
	Interconnected Smoke Detector
	Exhaust Fan
	Floor Drain



# Second Floor Plan

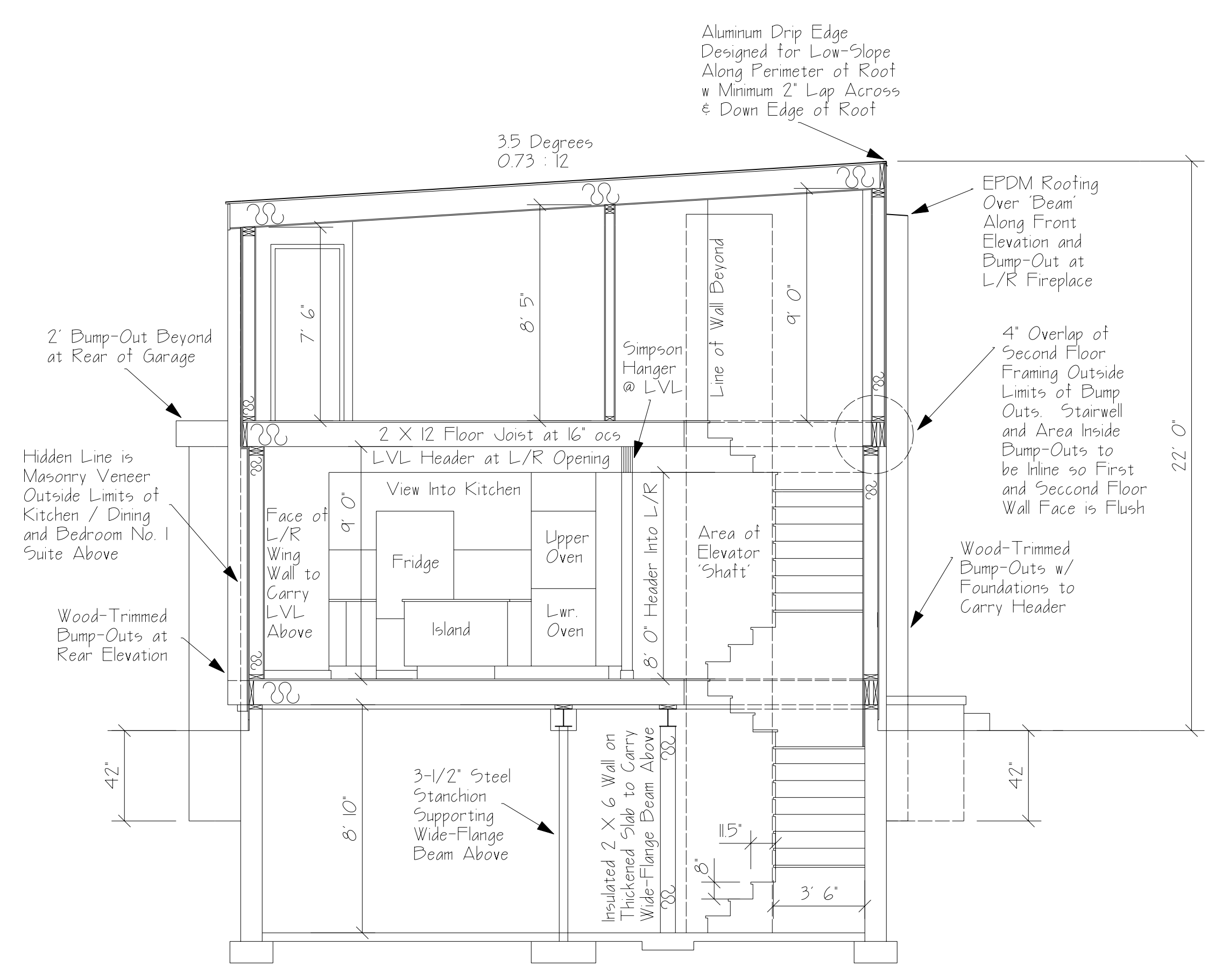
Project Name: New Home Construction 1070 Lincoln Court, Birmingham Michigan	Sheet Title: Second Floor Plan
Drawing Scale: 1/4" = 1'-0"	Date: <del>07/15/25</del> <del>10/24/25</del> 12/08/25
Sheet No. 4 of 7	



Typical Wall  
Cross Section  
No Scale

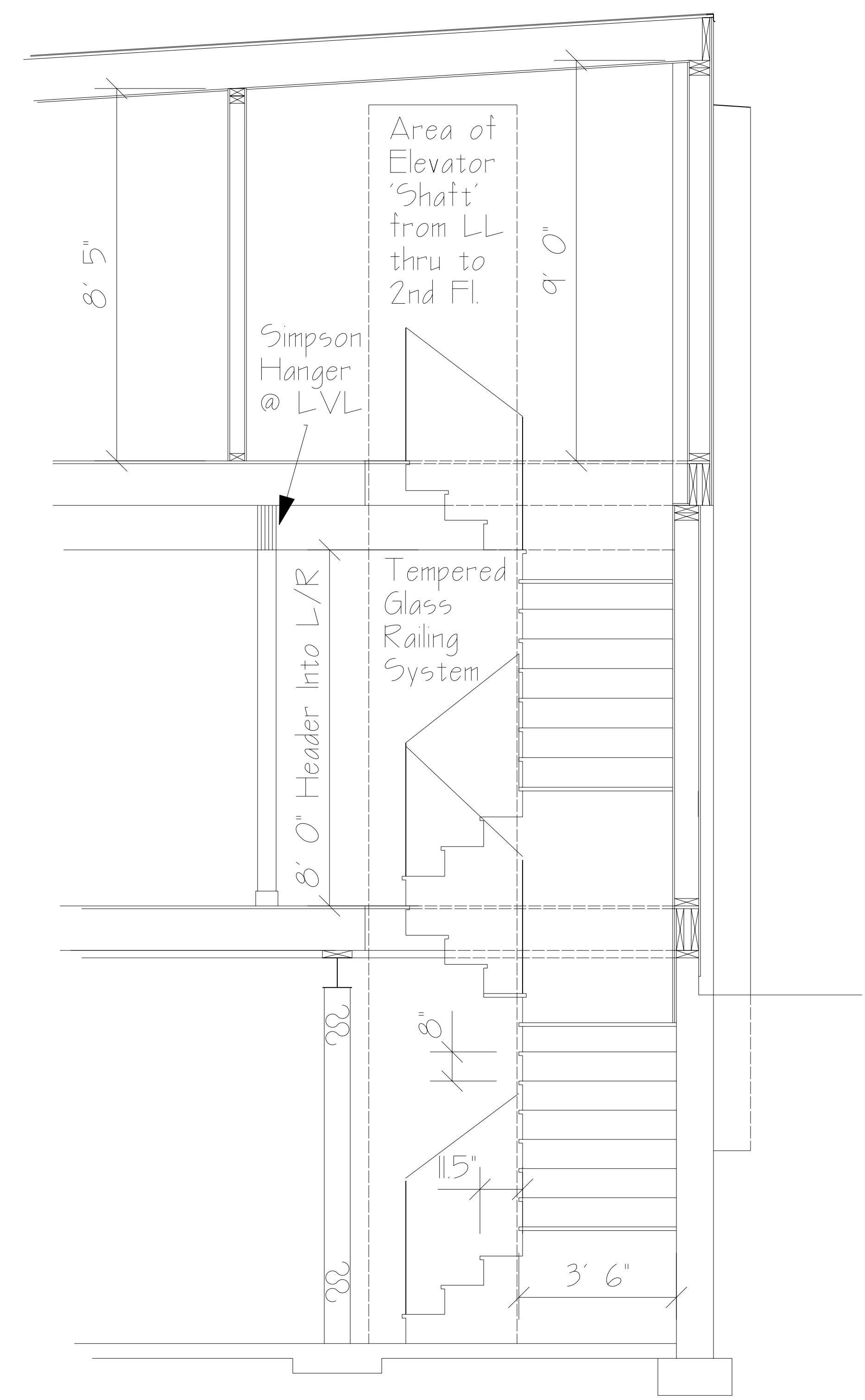
1-Exterior Wall

LEGEND	
1/C S/D ⊕	Interconnected Smoke Detector
EF	Exhaust Fan
⊕ FD	Floor Drain



Scale 1/4" = 1'-0"

2-Home Section View



Enlarged Scale 1/2" = 1'-0"

3-Enlarged Stair Detail

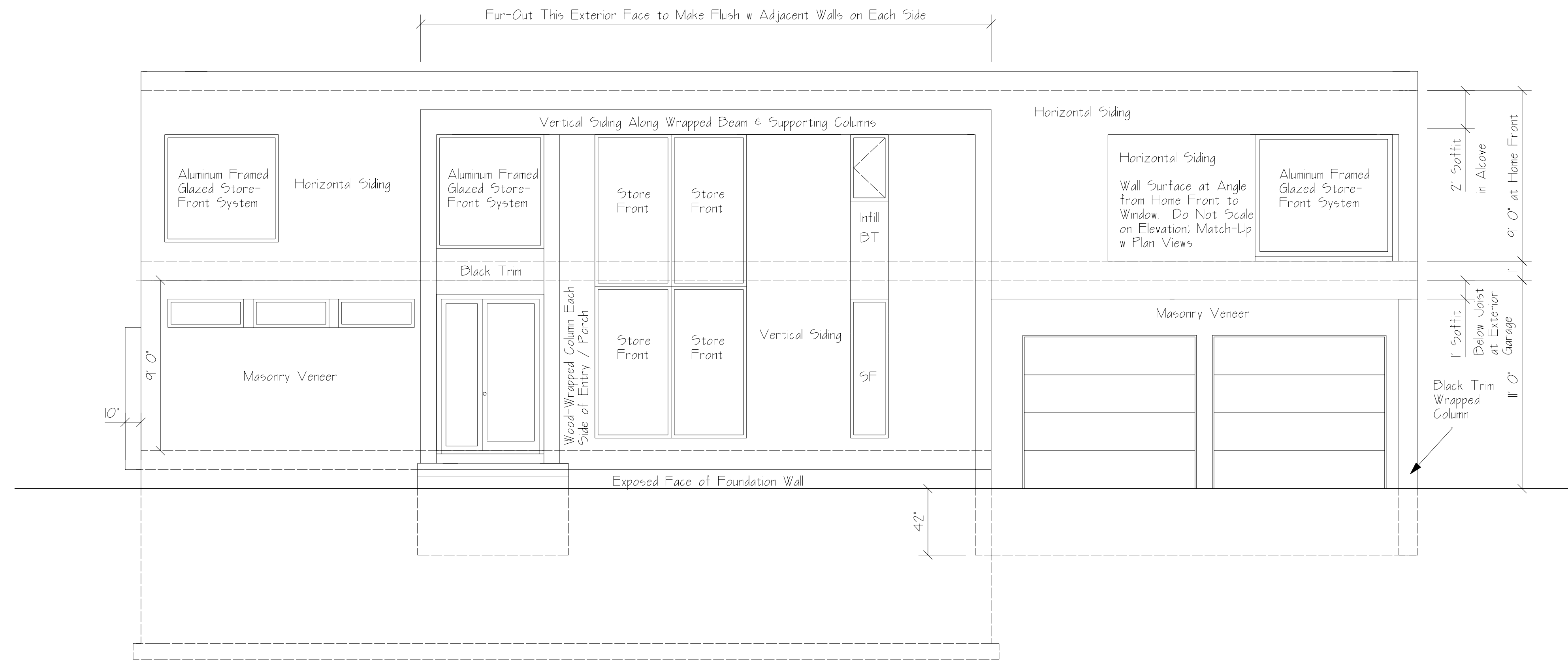
Section Views/Details/Enlarged Stairwell

Project Name:  
New Home Construction  
1070 Lincoln Court, Birmingham Michigan

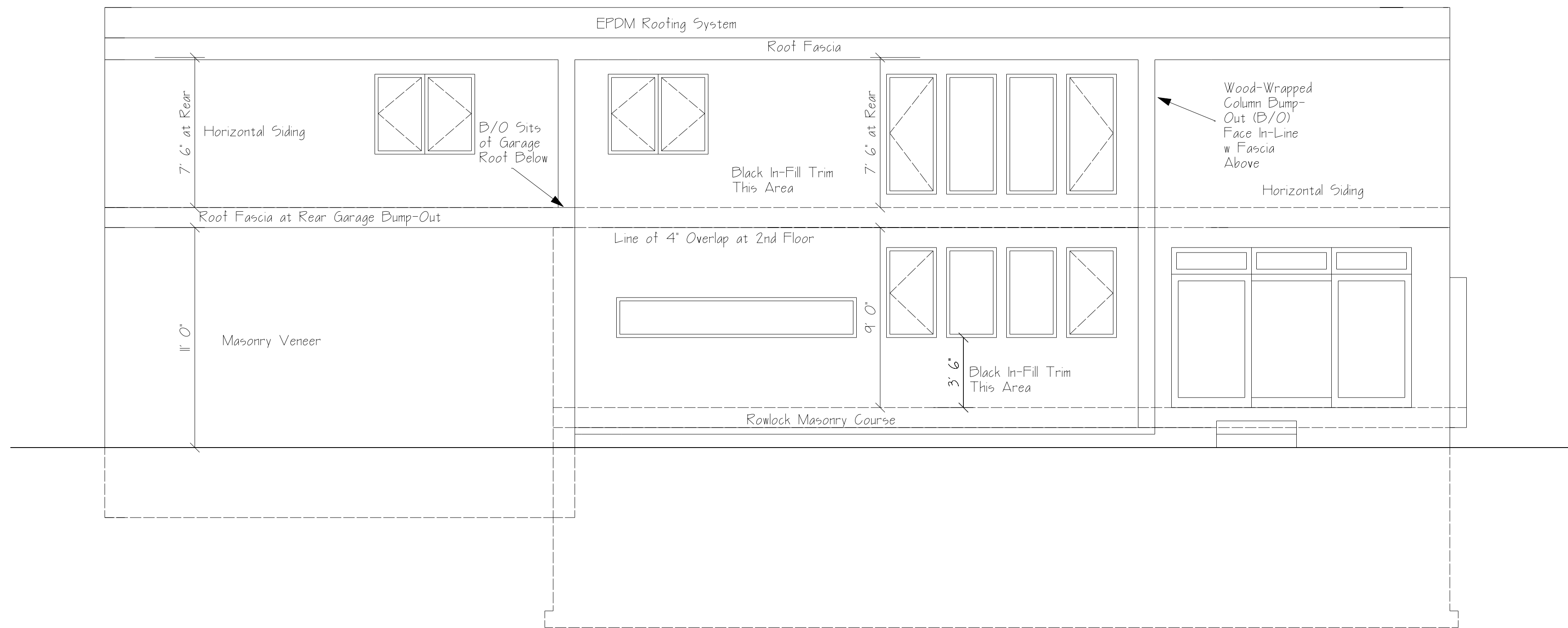
Drawing Scale:  
1/4" = 1'-0"  
Unless Noted  
Otherwise

Date:  
~~07/15/25~~  
10/24/25  
12/08/25

Sheet No.  
5  
of  
7



Front Exterior Elevation



Rear Exterior Elevation

Sheet Title:

Front & Rear Exterior Elevations

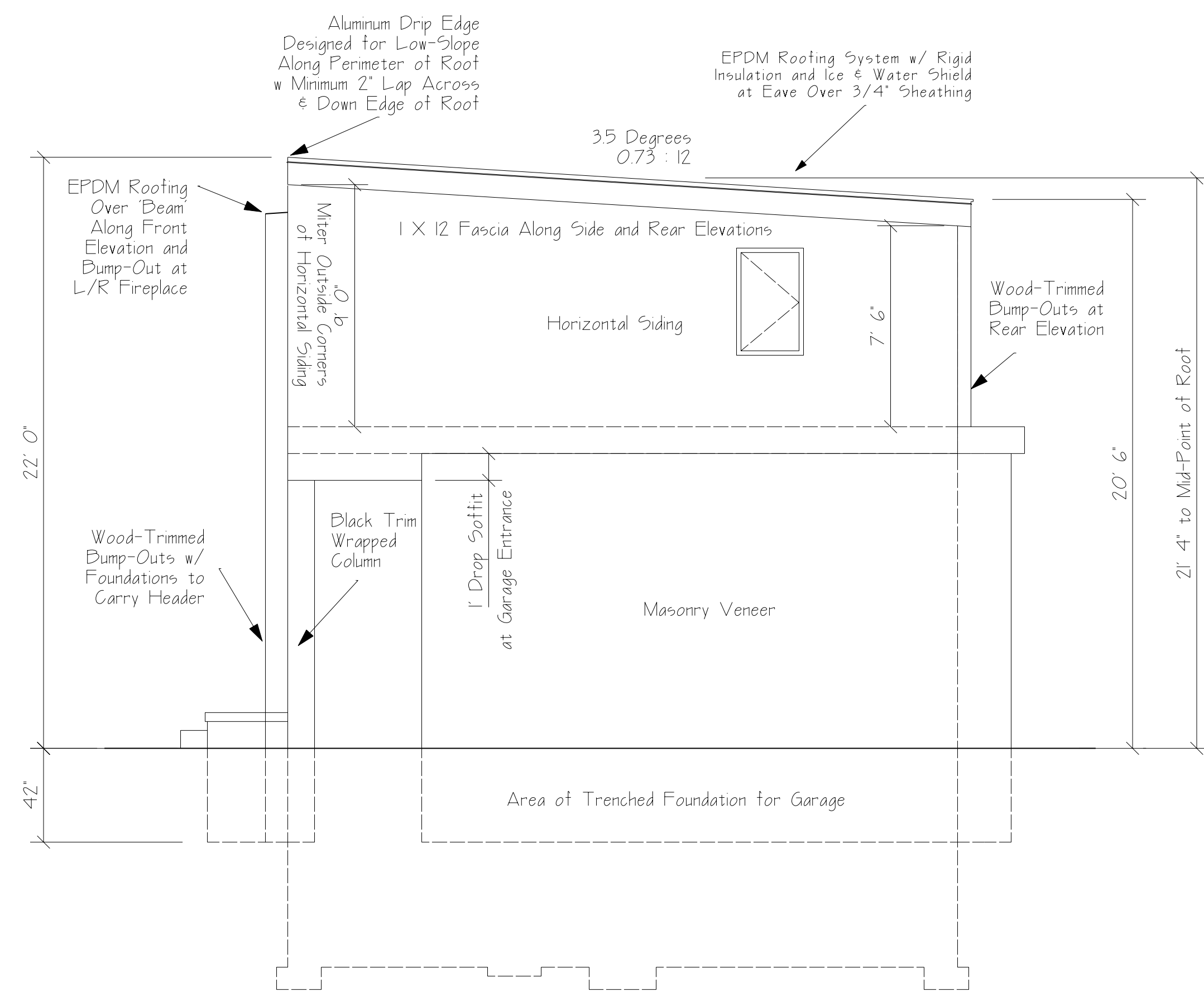
Project Name:

New Home Construction  
1070 Lincoln Court, Birmingham Michigan

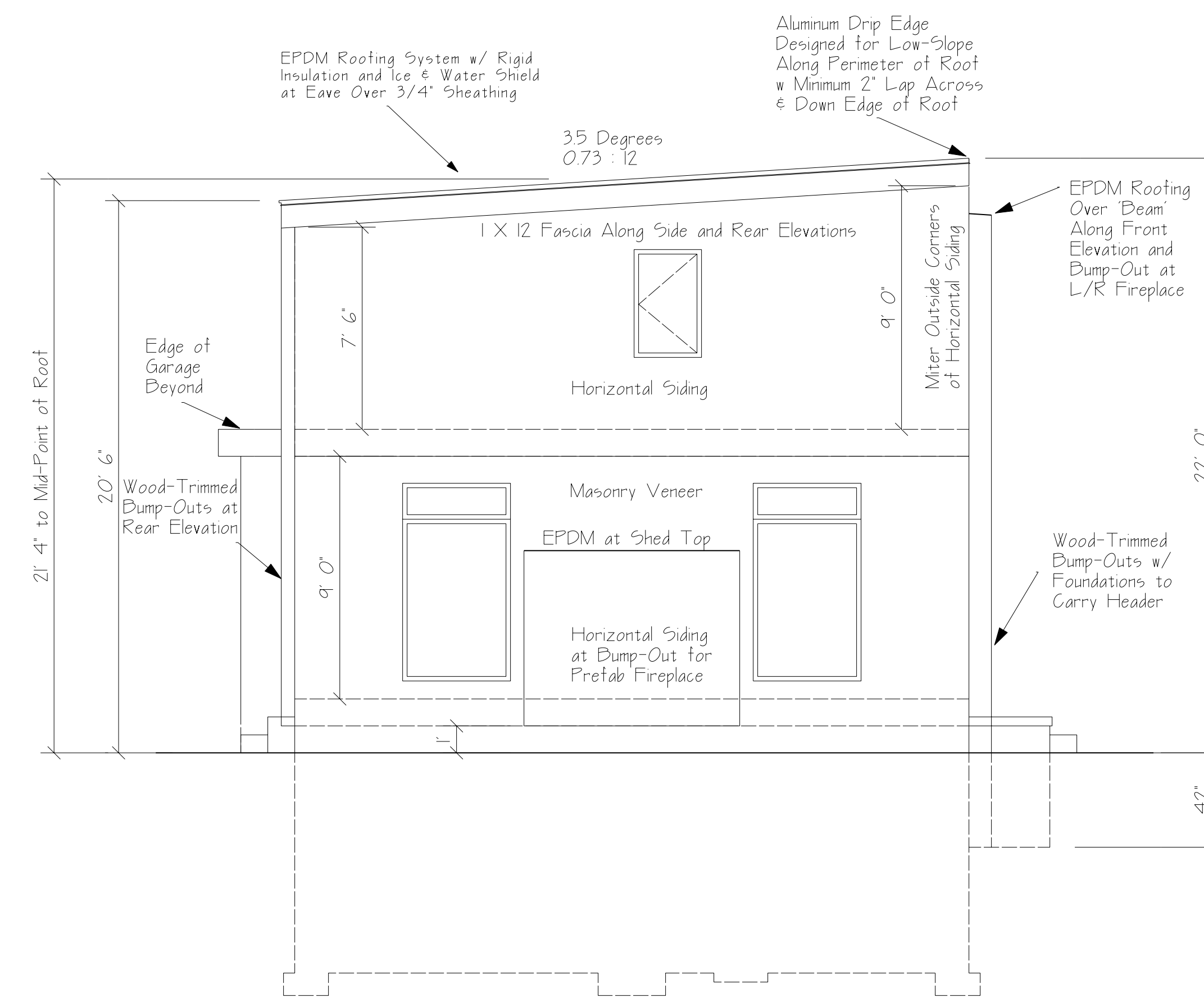
Drawing Scale:  
1/4" = 1'-0"

Date:  
~~07/15/25~~  
~~10/24/25~~  
12/08/25

Sheet No.  
6  
of  
7



Right Side Exterior Elevation



Left Side Exterior Elevation

Sheet Title:

Right & Left Side Exterior Elevations

Project Name:

New Home Construction  
1070 Lincoln Court, Birmingham Michigan

Drawing Scale:

1/4" = 1'-0"

Date:

~~07/15/25~~  
~~10/24/25~~  
12/08/25

Sheet No.

7  
of  
7

# **CASE DESCRIPTION**

**504 Willits (26-07)**

**Hearing date: March 10, 2026**

**Appeal No. 26-07:** The owner of the property known **504 Willits**, requests the following variances to construct a new home:

A. Chapter 126, Article 2, Section 2.08.4 of the Zoning Ordinance requires a maximum roof height for a pitched roof in an R-2 zoning district of 28.00 feet for this property. The proposed roof height is 34.69 feet; therefore a variance of 6.69 feet is requested.

B. Chapter 126, Article 2, Section 2.08.4 of the Zoning Ordinance requires a maximum roof height for a flat roof in an R-2 zoning district of 24.00 feet for this property. The proposed roof height is 32.10 feet; therefore a variance of 8.10 feet is requested.

C. Chapter 126, Article 2, Section 2.08.4 of the Zoning Ordinance requires a maximum eave height for the building for an R-2 zoning district of 24.00 feet for this property. The proposed eave height is 28.59 feet; therefore a variance of 4.59 feet is requested.

D. Chapter 126, Article 2, Section 2.08 of the Zoning Ordinance requires that the maximum lot coverage is 30% of the lot in the residential zones. The maximum amount for this lot is 30% or 2371.5 SF. The proposed is 35.1% or (2774.65 SF). Therefore, a variance of 5.1% or (403.15 SF) is being requested.

**Staff Notes:** This applicant is seeking variances for maximum height and maximum lot coverage to construct a new home with an attached garage. The grades on this lot slopes to the rear.

This property is zoned R2 – Single family residential.

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Andrew Erickson,  
**Assistant Building Official**

# CHAPTER 126 - ZONING

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## ARTICLE 8: ENFORCEMENT AND PENALTIES

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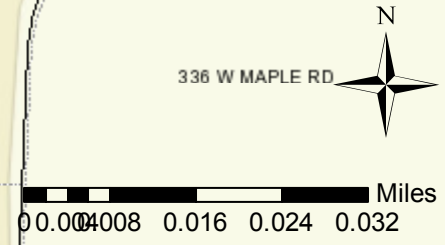
### 8.01 The Board of Zoning Appeals

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

(EACH i-iv must be satisfied)

# 504 WILLITS



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

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

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

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

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

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

**I. PROPERTY INFORMATION:**

Address: <b>504 WILLITS ST.</b>	Lot Number:	Sidwell Number:
---------------------------------	-------------	-----------------

**II. OWNER INFORMATION:**

Name: <b>ARMANDO YBARRA</b>			
Address: <b>504 WILLITS ST.</b>	City: <b>BIRMINGHAM</b>	State: <b>MI</b>	Zip code: <b>48009</b>
Email:* <b>AGDESIGNBUILDING@GMAIL.COM</b>		Phone:	

**III. PETITIONER INFORMATION:**

Name: <b>PAUL SAMARTINO</b>	Firm/Company Name: <b>MARTINI SAMARTINO DESIGN GROUP</b>		
Address: <b>920 E LONG LAKE</b>	City: <b>TROY</b>	State: <b>MI</b>	Zip code: <b>48085</b>
Email: <b>PSAMARTINO@MARTINISAMARTINO.COM</b>		Phone: <b>248.910.1027</b>	

**IV. GENERAL INFORMATION:**

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

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

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

*Variance Chart Example*

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

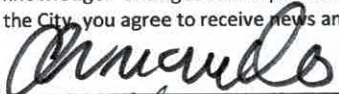

**V. REQUIRED INFORMATION CHECKLIST:**

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

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

**VI. APPLICANT SIGNATURE**

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

Signature of Owner: <u></u>	Date: <u><b>2.12.26</b></u>
Signature of Petitioner: <u></u>	Date: <u><b>2.12.26</b></u>

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

**ARTICLE I - Appeals**

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

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

C. The order of hearings shall be:

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

D. Motions and Voting

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

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

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


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

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

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

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

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

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



February 12, 2026

Birmingham Bldg Dept.  
151 Martin  
Birmingham, MI 48009

RE: 504 Willits;

To whom it may concern, we are applying for a dimensional variance for building height of a new home that is to be constructed on 504 Willits St., Birmingham MI. The property's site/grade elevations uniquely fall to the rear of the property, creating a naturally occurring walk out situation. The grades at the front of the home are roughly 763' and fall to roughly 755' within the proposed building footprint. We have carefully designed to home to meet the 28' height requirement at the front of the property; however, it is impossible to make the average height work due to the sloping grades that are naturally occurring on the site. We have strategically designed the rear of the home to have a flat roof situation to help lessen the impact of the building height as much as possible.

Variance A (Roof midpoint height variance)

The site has severe grading issues that are naturally occurring. The front property line slopes from east to west. The east grade is 763.96' and the west is 760', dropping roughly 4' east to west. Additionally, the grade falls to the north, with a high grade of roughly 760' down to 750.3', roughly a 10' fall. In order to try to balance the house from the street, we are proposing to fill the west side of the front yard to level the front yard out with the use of a retaining wall. By doing so, we meet the 28' midpoint roof height. The rear of the home is taller due to the over 10' fall in grade, putting our midpoint height to 38'-4". The natural fall of the grade is causing the house to not meet the required height maximum. We are requesting a dimensional variance.

Required: 28'-0"

Proposed: 34'-8 3/8"

Variance amount: 6'-8 3/8"

Variance B (Flat roof height variance)

Due to the natural fall of the site, the flat roof portion of the home exceeds the maximum of 24'. We are requesting a dimensional variance.

Required: 24'-0"

Proposed: 32'-1 1/4"

Variance amount: 8'-1 1/4"

Continued,

Variance C (Eave height variance)

Due to the natural fall of the site, the eaves on sides of the home exceed the maximum of 24'. We are requesting a dimensional variance.

Required: 24'-0"

Proposed: 28'-7 1/8"

Variance amount: 4'-7 1/8"

Variance D (Lot coverage)

The main floor of the house is designed to have access to an open-air deck on the north side of the home to service the main kitchen, dining spaces and have access to the backyard side of the home.

Due to the natural fall of the site, we have access out from the lower level of the home, beneath the above deck. According to the ordinance, this situation is considered a covered deck situation, requiring the deck area to be included in the lot coverage calculations.

If we had a flat lot, we would not have this issue, since the deck would be at grade and would not have a roof, therefore not impacting our lot coverage. The home is designed to meet the 30% lot coverage (not including the deck).

Required: 30% lot coverage

Proposed without deck: 29.9% lot coverage

Proposed with deck: 35.1% lot coverage

Sincerely,

A handwritten signature in black ink that reads "Paul Samartino". The signature is fluid and cursive, with the first name "Paul" being larger and more prominent than the last name "Samartino".

Paul Samartino

Martini Samartino Design Group, LLC

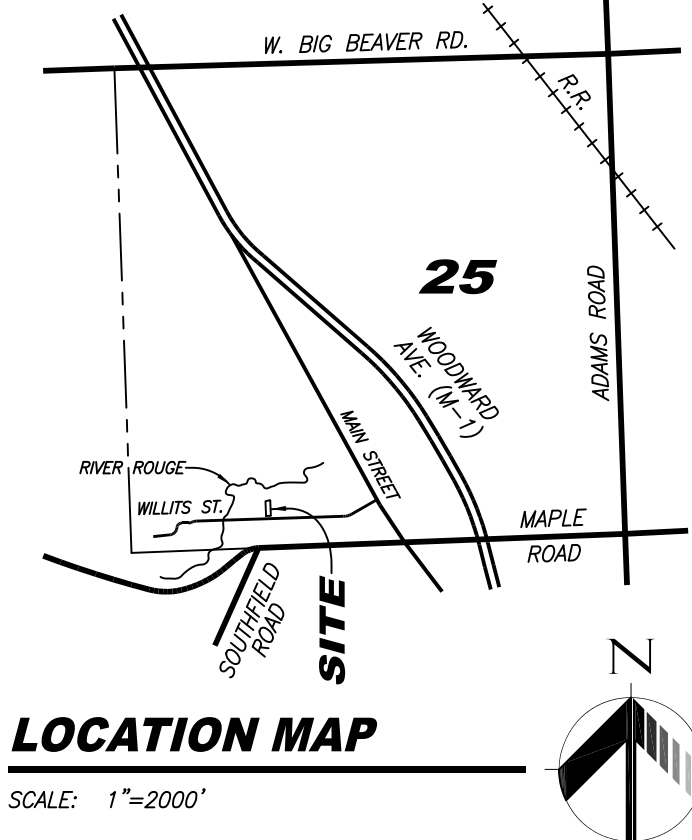
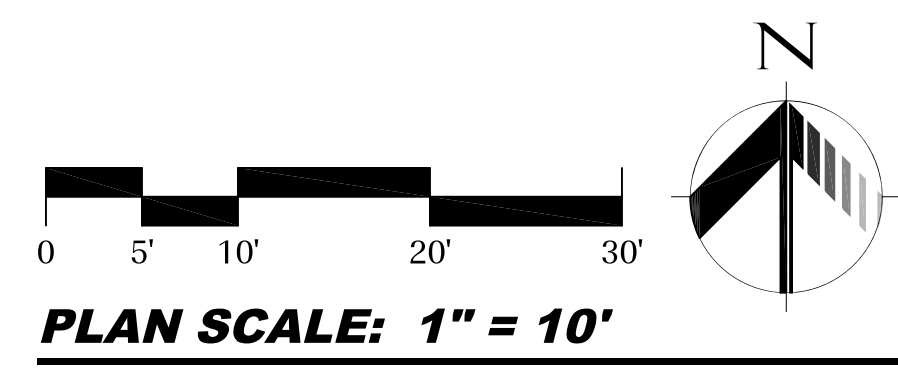
920 East Long Lake Rd., Suite 200B

Troy, Michigan 48085

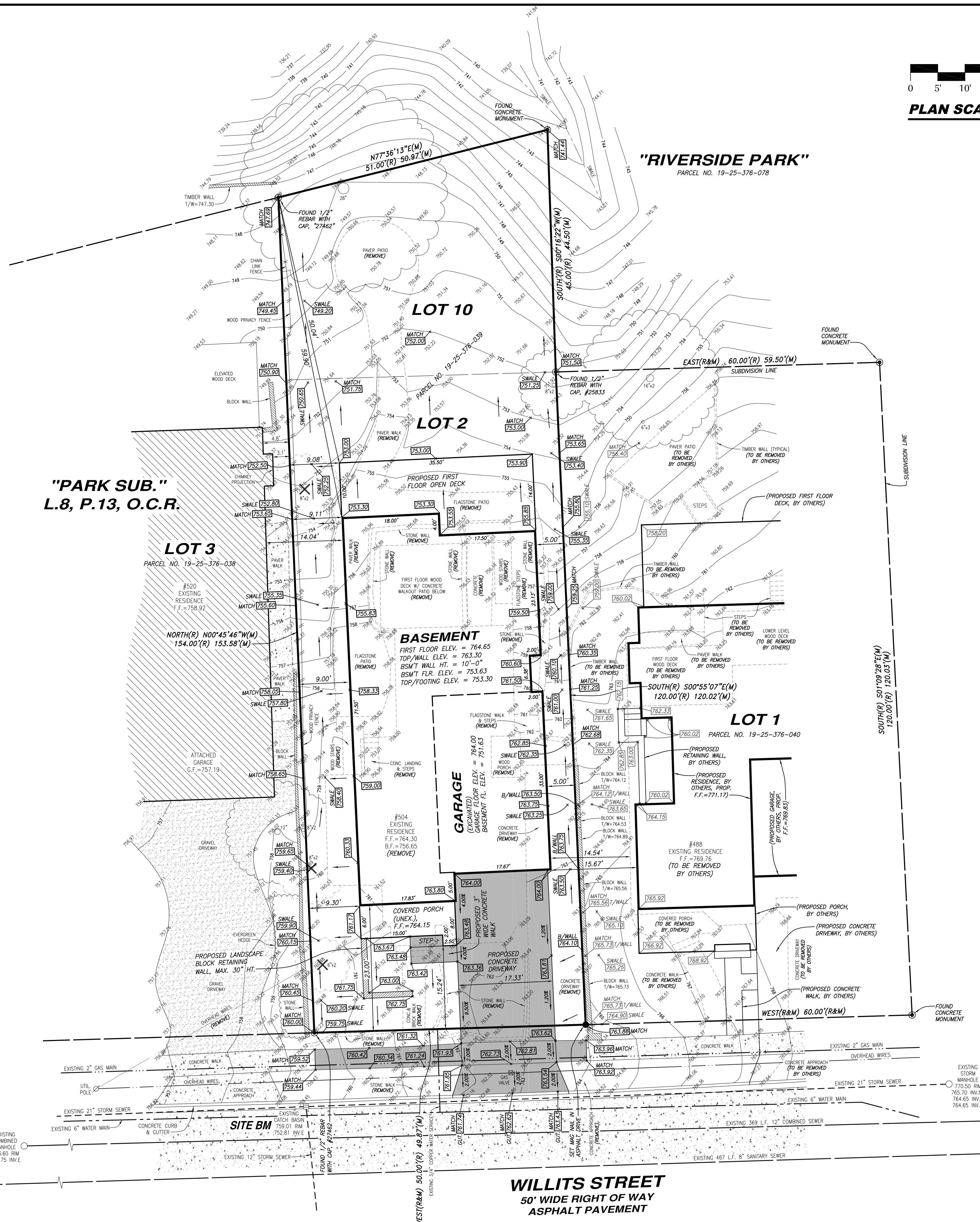
248-524-0445

**LEGEND**

	EXISTING GRADE		EXISTING PAVEMENT AREAS TO REMAIN
	EXISTING CONTOURS, 1' INTERVAL		EXISTING GRAVEL AREAS TO REMAIN
	PROPOSED GRADE		PROPOSED NEW PAVEMENT AREAS
	DIRECTION OF SURFACE DRAINAGE		EXISTING TREE TO REMAIN
			EXISTING TREE TO BE REMOVED



**"RIVERSIDE PARK"**  
PARCEL NO. 19-25-376-078



**NOTES**

1. SURVEY AND TOPOGRAPHY IS AS PERFORMED AND PROVIDED BY AZTEC LAND SURVEYORS INC., JOB NO. 25-070, DATED AUGUST 7, 2025.
2. THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES OTHER THAN THE STRUCTURE INVENTORY SHOWN HEREON.
3. A CURRENT TITLE POLICY HAS NOT BEEN FURNISHED AT TIME OF SURVEY, THEREFORE EASEMENTS AND/OR ENCUMBRANCES AFFECTING SUBJECT PARCEL MAY NOT BE SHOWN.
4. RAIN GUTTER DOWNSPOUTS MUST BE CONSTRUCTED IN A MANNER THAT DIRECTS WATER FLOW TO THE FRONT OF SUBJECT PROPERTY WHENEVER POSSIBLE.
5. ALL TREES IN THE EXISTING RIGHT OF WAY MUST BE PROTECTED DURING TIME OF CONSTRUCTION.
6. ALL FOUNDATION DIMENSION AND FINISH FLOOR ELEVATIONS SHALL BE VERIFIED WITH THE FINAL APPROVED BUILDING PLANS PRIOR TO THE START OF CONSTRUCTION.

**BENCHMARKS**

CITY BENCHMARK #29  
ELEVATION = 783.35 (CITY DATUM)  
FOUND BRASS CAP ON THE SOUTHEAST CORNER OF MARTIN STREET AND SOUTH CHESTER STREET, 1 FOOT SOUTH OF THE BACK OF WALK.

SITE BENCHMARK  
ELEVATION = 759.01 (CITY DATUM)  
EXISTING STREET CATCH BASIN ON THE NORTH SIDE OF WILLITS STREET IN FRONT OF EXISTING RESIDENCE #504 (SUBJECT PROPERTY).

**PROPERTY DESCRIPTION**

PARCEL NO. 19-25-376-039  
LOTS 2 AND 10, "PARK SUBDIVISION", PART OF THE SOUTHWEST 1/4 OF SECTION 25, TOWN 2 NORTH, RANGE 10 EAST, CITY OF BIRMINGHAM, OKLAHOMA COUNTY, MICHIGAN AS RECORDED IN LIBER 8 OF PLATS, PAGE 12 OF OKLAHOMA COUNTY RECORDS.

**SITE CRITERIA**

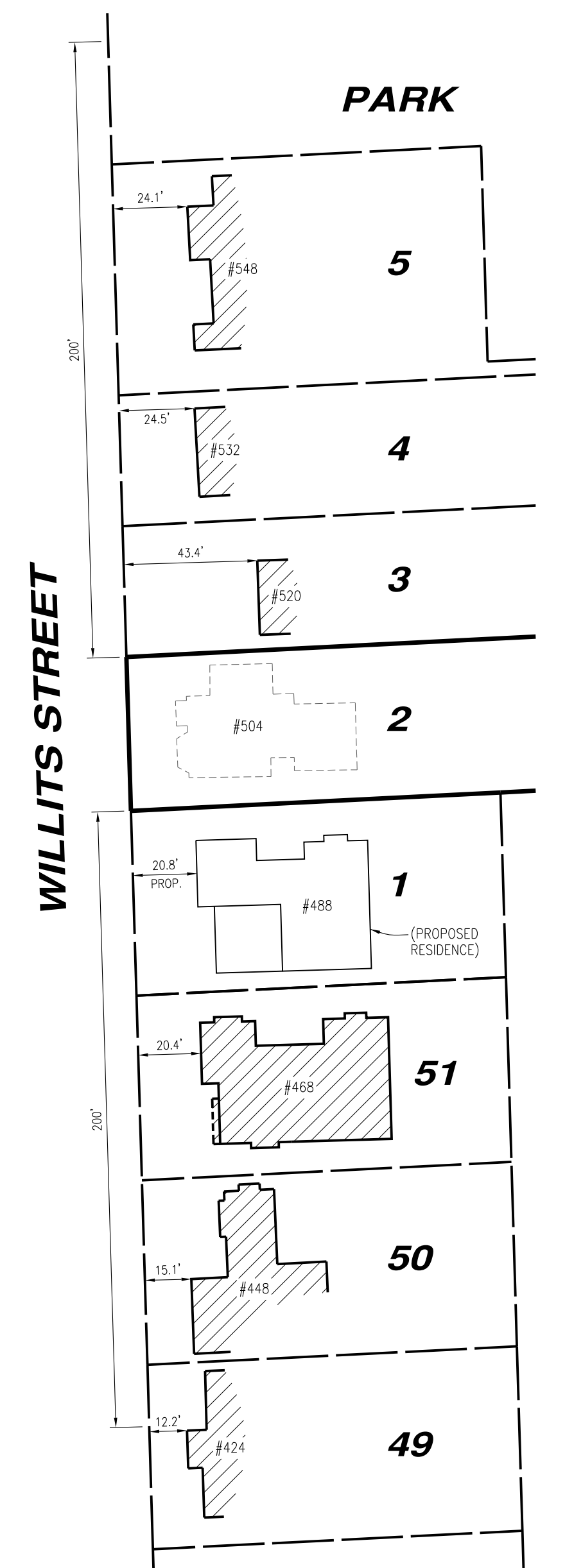
- ADDRESS: 504 WILLITS STREET
- PARCEL ID NO.: 19-25-376-039
- ZONING: R-2, SINGLE FAMILY RESIDENTIAL
- AVERAGE FRONT SETBACK AS SURVEYED = 22.93'
- REQUIRED MINIMUM REAR SETBACK = 30'
- REQUIRED MINIMUM COMBINED FRONT AND REAR SETBACK = 55'
- REQUIRED MINIMUM SIDE SETBACK = 5'
- REQUIRED MINIMUM SIDE SETBACK, ONE SIDE = 9'
- REQUIRED TOTAL SIDE SETBACK = 14'
- REQUIRED DISTANCE BETWEEN STRUCTURES = 14'
- PARCEL AREA AS PLATTED = 7,905 S.F. (0.181 ACRE)
- LOT COVERAGE ALLOWED = 30% = 2,371 S.F.
- LOT COVERAGE PROPOSED = 2,367 S.F. (29.9%)
- OPEN SPACE REQUIRED = 40% = 3,162 S.F.
- OPEN SPACE PROPOSED = 5,047 S.F. (63.8%)
- FRONT YARD AREA = 1,143 S.F.
- FRONT YARD OPEN SPACE REQUIRED = 65% = 743 S.F.
- FRONT YARD OPEN SPACE PROPOSED = 745 S.F. (65.2%)

**CONTRACTOR'S NOTE**

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

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

**3 WORKING DAYS BEFORE YOU DIG CALL MISS DIG**  
1-800-452-7171  
(TOLL FREE) for the location of underground utilities



**FRONT SETBACK SURVEY**  
SCALE: 1" = 40'

REVISIONS:  
2-13-25  
REVISED PER CITY BUILDING DEPT.

CLIENT:  
MR. ARMANDO GIUSEPPE VARRA  
ARMANDO GIUSEPPE INC.  
3875 WYTHEKIRK RD.  
ANN ARBOR, MI 48106  
(248) 338-4623

SEAL:  
NATHAN PAUL ROBINSON  
Licenses No. 6201047468  
PROFESSIONAL ENGINEER

JOB NO: 25-054  
DATE: 1-12-26  
DRAWN BY: N.P.R.

**HORIZON**  
ENGINEERING LLC

CIVIL ENGINEERING, SITE PLANNING & LAND DEVELOPMENT CONSULTING  
P.O. Box 182158, Shelby Township, Michigan 48118  
Phone 586-453-8097

PROJECT:  
**Lots 2 and 10**  
**"Park Subdivision"**  
#504 WILLITS STREET  
PARCEL NO. 19-25-376-039  
PART OF THE SW 1/4 OF SECTION 25, T.2N., R.10E., CITY OF BIRMINGHAM, OKLAHOMA COUNTY, MICHIGAN

PLANS:  
**SITE PLAN FOR VARIANCE**

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

# GENERAL STRUCTURAL NOTES:

(REFER ONLY TO NOTES APPLICABLE TO THE PROJECT)

## DESIGN CRITERIA:

- BUILDING CODES USED FOR DESIGN:**  
2018 MICHIGAN RESIDENTIAL CODE (MRC)
- FLOOR LIVE AND DEAD LOADS:**  
40 psf DEAD FOR WOOD LINOLEUM AND CARPET FLOORING WHEN CONSIDERING DIMENSIONAL LUMBER FLOORS (FOR HEHFR 2 OR BETTER)  
15 psf DEAD FOR WOOD LINOLEUM AND CARPET FLOORING WHEN CONSIDERING ENGINEERED FLOORS  
75 psf DEAD FOR TYP SET CERAMIC FLOORING  
35 psf DEAD FOR MARBLE / GRANITE FLOORING
- MINIMUM DEFLECTION CRITERIA:**  
L/240 LIVE AND L/180 TOTAL FOR ROOF COMPONENTS  
L/160 LIVE AND L/160 TOTAL FOR FLOOR COMPONENTS WITH RIGID FLOORING (e.g. TILE/MARBLE)  
L/480 LIVE AND L/360 TOTAL FOR FLOOR COMPONENTS WITH FLEXIBLE FLOORING (e.g. CARPET)
- ROOF LIVE AND SNOW LOADS:**  
FLAT ROOF SNOW LOAD: Pg = 25 psf  
FLAT ROOF DEAD: Is = 5 psf
- WIND LOADS:**  
ULTIMATE WIND SPEED: 115 MPH  
WIND IMPORTANCE FACTOR: Iw = 1.0  
BUILDING CATEGORY: B  
WIND EXPOSURE: B
- DESIGN STRENGTHS:**  
CONCRETE:  

CLASS	STRENGTH AT 28 DAYS (PSI)	LOCATION
A	3500	INTERIOR SLABS
B	3500	FOOTINGS & FOUNDATION WALLS
C	3500	AIR-ENTRAINED EXTERIOR SLABS & WALLS

CONCRETE REINFORCEMENT:  
WELDED WIRE FABRIC: ASTM A615/A618M-01B (2' & 60 KSI)  
ASTM A228-01

STRUCTURAL STEEL:  
ANCHOR RODS: ASTM A307-02  
ALTERNATIVELY - F1554-98 GR 36 MAY BE USED

MASONRY:  
NORMAL WEIGHT: Fm = 1500 PSI

## FOUNDATIONS AND EARTHWORK:

- WATER SHALL NOT BE PERMITTED TO ACCUMULATE IN FOOTING EXCAVATIONS.
- PROVIDE A MINIMUM OF 6 INCHES OF GRANULAR FILL BELOW ALL INTERIOR SLABS-ON-GRADE.
- PROVIDE GRANULAR BACKFILL FOR BASEMENT WALLS. ALL BACKFILL SHALL BE WELL DRAINED.
- THE FOUNDATION DESIGN IS BASED ON A SOIL BEARING PRESSURE OF 1500 PSF. OTHERS SHALL DETERMINE THE ACTUAL BEARING VALUE OF THE SOIL.
- ALL FOOTING EXCAVATIONS SHALL BE INSPECTED PRIOR TO CONCRETE PLACEMENT.
- WHERE COMPACTION OF FILL IS SPECIFIED, COMPACTION OF FILL MATERIAL SHALL BE A MINIMUM 95% OF MAXIMUM DRY DENSITY.
- BOTTOM OF EXTERIOR BUILDING FOOTINGS ARE TO BE AT LEAST 42 INCHES BELOW FINAL OUTSIDE GRADE REGARDLESS OF ELEVATION SHOWN ON PLAN.
- ALL CONTINUOUS FOOTINGS SHALL BE CENTERED UNDER WALLS AND ALL PIERS AND SPREAD FOOTINGS SHALL BE CENTERED UNDER COLUMNS OR PIERS UNLESS NOTED OTHERWISE.
- NO SLABS OR FOUNDATIONS SHALL BE PLACED INTO OR ADJACENT TO SUBGRADE CONTAINING WATER, ICE, FROST OR ORGANIC MATERIAL.
- WHERE FOUNDATION WALLS ARE TO HAVE SOIL PLACED ON BOTH SIDES, PLACE SOIL SIMULTANEOUSLY SO AS TO MAINTAIN A COMMON ELEVATION ON EACH SIDE OF THE WALL.
- BASEMENT WALLS ARE DESIGNED TO BE LATERALLY RESTRAINED BY CONCRETE FLOOR. PROVIDE TEMPORARY SUPPORT TO BASE OF BASEMENT WALL. WALL IS BACKFILLED PRIOR TO PLACEMENT OF BASEMENT CONCRETE FLOOR. DO NOT BACKFILL MORE THAN 40" FROM THE FOOTING PRIOR TO PLACING THE BASEMENT CONCRETE FLOOR.

## CONCRETE:

- THE REINFORCING STEEL CONTRACTOR SHALL FABRICATE ALL REINFORCEMENT AND FURNISH ALL ACCESSORIES: CHAIRS, SPACER BARS AND SUPPORTS NECESSARY TO SECURE THE REINFORCEMENT UNLESS SHOWN OTHERWISE ON THE PLANS AND/OR DETAILS.
- REINFORCING STEEL SHALL BE ASTM A615 (GRADE 60).
- WELDED WIRE FABRIC SHALL CONFORM TO ASTM A65.
- CONCRETE REINFORCEMENT SHALL BE PLACED ACCORDING TO THE CRSI "RECOMMENDED PRACTICE FOR PLACING REINFORCING BARS".
- CONCRETE COVERAGE FOR REINFORCEMENT UNDO DRAWING:  

FOOTINGS	3"	CENTER OF SLAB
SLABS ON GRADE	1 1/2"	
WALLS EXPOSED TO EARTH	1 1/2"	
COLUMN TIES	1 1/2"	
- COMPRESSION LAP SPLICES FOR GRADE 60 BARS SHALL BE 30 BAR DIAMETER MINIMUM.
- TENSION LAP SPLICES SHALL BE AS DETAILED. USE CLASS "B" SPLICES UNO.
- ALL WELDED WIRE FABRIC LAPS SHALL BE 9" AT ENDS AND SIDES.
- BAR LENGTHS SHOWN DO NOT INCLUDE HOOKS OR BENDS.
- CONCRETE AT THE TIME OF PLACEMENT SHALL HAVE A SLUMP OF 4" ± 1" UNLESS A SUPER-PLASTICIZING AGENT IS USED.
- ALL OPENINGS IN CONCRETE WALLS SHALL HAVE (2) #5 BARS PLACED AROUND ALL OPENINGS. EXTEND BARS 20" BEYOND EACH FACE OF OPENING. PLACE (2) #5 x 4'-0" LONG BARS DIAGONALLY AT EACH CORNER.

## MASONRY:

- GROUT FOR VERTICALLY REINFORCED MASONRY WALLS AND BOND BEAMS SHALL CONSIST OF: 1 PART CEMENT, 2 PARTS FINE AGGREGATE, 3 PARTS FEA GRAVEL, FC = 3000 PSI AT 28 DAYS, GROUT SLUMP 9" TO 10". GROUT SOLID ALL CELLS CONTAINING REINFORCING.
- MASONRY WALLS SHALL HAVE HORIZONTAL REINFORCING CONSISTING OF GALVANIZED STANDARD WEIGHT 9 GAUGE DUR-O-WALL D/A 3000 TRUSS TYPE OR EQUAL REINFORCING LOCATED AT EVERY OTHER COURSE UNO.
- PLACE FULL HEIGHT VERTICAL BARS AT EACH CORNER WALL END AND AT EACH SIDE OF EACH OPENING AND CONTROL JOINT (MIN) IN REINFORCED WALLS. BAR SIZE TO MATCH SIZE OF WALL REINFORCING.
- LAP ALL VERTICAL REINFORCING SPLICES 48 BAR DIAMETERS: 24" FOR 4 BARS, 30" FOR 5 BARS AND 36" FOR 6 BARS.
- ANCHOR BEAMS AND LINTELS TO WALL.
- MASONRY WALLS SHALL BE LAID UP AND GROUDED IN 4 FOOT LIFTS (LOW LIFT GROUTING PROCEDURE PER ACI 530). IF CLEANOUTS ARE PROVIDED AT EACH GROUDED CORE, WALLS MAY BE GROUDED IN 8 FOOT LIFTS FOLLOWING THE HIGH-LIFT GROUTING PROCEDURE PER ACI 530). THE PROCEDURES OF ACI 530) FOR COLD WEATHER CONSTRUCTION SHALL BE ADHERED TO WHENEVER THE AIR OUTSIDE TEMPERATURE IS BELOW 40 DEGREES F.

## STRUCTURAL STEEL:

- YIELD STRESS AND TYPE OF STEEL:  
FOR WIDE FLANGE SHAPES: ASTM A992 WITH YIELD STRESS OF 50,000 PSI  
FOR S SHAPES, CHANNELS, ANGLES, BARS, PLATES AND RODS: ASTM A36 WITH YIELD STRESS OF 36,000 PSI  
FOR RECTANGULAR AND SQUARE TUBULAR SHAPES: ASTM A500 WITH YIELD STRESS OF 49,000 PSI
- BOLTS: USE CARBON OR ALLOY STEEL ASTM A325, 3/4" DIA OR LARGER IF REQUIRED BY CONNECTION DESIGN. ANCHOR BOLTS SHALL BE WEDGE STYLE ANCHOR HILTI Kwik Bolt 3. NUTS: CARBON STEEL MEETING ASTM A563. WASHERS: HARDENED STEEL WASHERS MEETING ASTM F436. ASTM A307 BOLTS MAY BE USED FOR WOOD TO WOOD CONNECTIONS AND STEEL LINTEL TO WOOD CONNECTIONS.
- ANCHOR RODS: ASTM F1554, GRADE 36.

## MISCELLANEOUS:

- THE BUILDER OF THIS PLAN MAY USE A 3rd PARTY ENGINEER TO PROVIDE STRUCTURE, AND WILL HOLD HARMLESS AND INDEMNIFY ORIGINAL ENGINEER / ARCHITECTURAL DESIGNER FOR ANY LIABILITY FOR CHANGES MADE TO THE STRUCTURE.
- PRE-FABRICATED I-JOISTS OR METAL FLATED WOOD FLOOR TRUSSES SHALL BE DESIGNED TO SUPPORT THEIR OWN WEIGHT PLUS THE SUPERIMPOSED DEAD AND LIVE LOADS STATED IN THE GENERAL NOTES AND 2018 MRC. I-JOIST SERIES, MANUFACTURER, SPACING, BRIDGING, BLOCKING AND DETAILING SHALL BE DESIGNED BY THE FLOOR SYSTEM PROVIDER SUCH THAT IT MEETS THE DESIGN CRITERIA IN SECTION 4.2 AS A MINIMUM. THE CONTRACTOR SHALL SUBMIT TO THE DESIGNER FOR REVIEW THE DESIGN LAYOUT AND COMPONENT CALCULATIONS BY A PROFESSIONAL ENGINEER REGISTERED IN THE STATE OF MICHIGAN, PRIOR TO USE IN THE STRUCTURE.
- MIN. LVL (MICROLAM) PROPERTIES SHALL BE: E = 2.9 x 10<sup>6</sup> psi, Fy = 2,850 psi, Fv = 285 psi, WIDTH OF LVL IS 19".
- MIN. PSL COLUMN PROPERTIES SHALL BE: E = 1.8 x 10<sup>6</sup> psi, Fy = 2,400 psi TRUS JOIST PARALLAM OR EQUAL.
- WALLS SHALL BE BRACED ACCORDING TO 2018 MRC.
- TRUSSES SHALL BE BRACED IN ACCORDANCE WITH BCSI's (LATEST EDITION) "GUIDE TO GOOD PRACTICE FOR HANDLING, INSTALLING, RESTRAINING AND BRACING OF METAL PLATE CONNECTED WOOD TRUSSES".
- ALL POINT LOADS SHALL BE CONTINUOUSLY BLOCKED THROUGHOUT THE STRUCTURE TO THE FOUNDATION OR SUPPORT BEAM.
- THESE DRAWINGS DO NOT INCLUDE NECESSARY COMPONENTS FOR CONSTRUCTION SAFETY.
- THE STRUCTURAL DESIGN IS BASED ON THE BUILDING IN ITS COMPLETED STATE. CONTRACTORS AND THEIR SUBCONTRACTORS SHALL TAKE WHATEVER PRECAUTIONS ARE NECESSARY TO WITHSTAND ALL HORIZONTAL AND VERTICAL LOADINGS THAT MAY BE ENCOUNTERED DURING THE CONSTRUCTION PRIOR TO COMPLETION OF THE BUILDING.
- DO NOT SCALE DRAWINGS.
- ALL 4 FLY OR MORE LVL'S SHALL BE BOLTED TOGETHER PER MANUFACTURER RECOMMENDATIONS.

# GENERAL NOTES:

- DOUBLE EVERY JOIST UNDER CERAMIC TILE WHEN USING DIMENSIONAL LUMBER.
- ALL POURED CONCRETE WALLS TO BE BACKFILLED WITH SANDY TYPE SOIL AND BE WELL BRACED UNTIL CONCRETE IS THOROUGHLY CURED AND ADDITIONAL WEIGHT OF THE BUILDING IS IN PLACE.
- ALL POURED CONCRETE FOOTING TO BE A MINIMUM OF 3'-6" BELOW FINISHED GRADE BEARING ON UNDISTURBED VIRGIN SOIL WITH A MINIMUM BEARING CAPACITY OF 1500 PSF. MUST BE VERIFIED BY SOILS ENGINEER IN THE FIELD FOR FOOTING INSPECTION.
- UNEXCAVATED GARAGE SLAB SHALL COMPLY W/ TABLE R402.2 4" CONCRETE SLAB MIN. 3500 MINIMUM SPECIFIED COMPRESSIVE STRENGTH OF CONCRETE ON 4" MIN. WELLY COMPACTED SAND BASE.
- ALL POURED CONCRETE WALLS WITH A BRICK LEDGE GREATER THAN 4'-0", SHALL BE REINFORCED VERTICALLY WITH #5 BARS 32" O.C. AND HORIZONTALLY WITH ONE (1) #4 BAR @ 12" FROM TOP AND @ THE THIRD-POINT OF THE WALL, UNLESS NOTED OTHERWISE ON DRAWINGS.
- TYPICALLY ALL PINS IN POURED CONCRETE FOUNDATION WALLS MUST BE REMOVED AND FILLED WITH FOUNDATION FOATING PRIOR TO BACK FILL INSPECTION.
- PROVIDE 4" PERF. DRAIN TILE CONT. AT BASEMENT FTG. IN 12" (MIN) PEASTONE WITH 2" BELOW DRAIN TILE. CONNECT TO SUMP AND STORM SEWER AS REQUIRED.
- BUILDER AND SUB BRICK CONTRACTORS TO PROVIDE WEEP HOLES RESTING ON THE FLASHING SPACED 33" O.C. MAX. (24" PREFERRED) AT HEAD DETAILS OF WINDOWS, DOORS, BASEMENT WINDOWS AND GARAGE DOORS. ALSO PROVIDE FLASHING TO FACE OF BRICK W/ MIN. 8" VERTICAL LEG AND FORTH END DAVIS LAP UNDER AIRMOISTURE BARRIER. MICHIGAN RESIDENTIAL CODE 2018 SEC. 103.15 - 103.8. A FIRE-BRICK INSPECTION WILL BE REQ'D PRIOR TO BRICK INSTALLATION FOR FLASHING INSPECTION.
- ALL ENGINEERED WOOD FLOOR TRUSSES TO BE #4 DENSE KD WITH 2" BY 6" CONTINUOUS REGION BRACING ON BOTTOM CHORD @ 9'-0" O.C. (MINIMUM) 2" PER SPAN WELL NAILED TO TRUSSES. PROVIDE DRAFTSTOPPING.
- ALL MICRO-LAM BEAMS TO BE JOINED TOGETHER PER MANUFACTURER'S SPECIFICATIONS.
- ALL FLOOR JOISTS TO BE #2 OR BETTER HEM FIR WITH 1" x 3" CROSS BRIDGING @ 8'-0" O.C. (UNO.)
- PROVIDE 15 POUND FELT AT UNTREATED EXPOSED LUMBER.
- PROVIDE 5X6 UNGLAZED PRESSURE TREATED SKILL PLATE ON SKILL SEALER WITH 1/2" ANCHOR BOLTS @ 6'-0" O.C. AND LOCATED NOT MORE THAN 12" INCHES AND NOT LESS THAN 3 1/2" INCHES FROM THE ENDS OF EACH PLATE SECTION. EXCEPTION: USE ANCHOR STRAPS, SPACED AS REQUIRED TO PROVIDE EQUIVALENT ANCHORAGE TO 1/2" ANCHOR BOLTS.
- PROVIDE METAL FLASHING, COUNTER FLASHING AND STEPPED FLASHING WHERE NOTED AND AT ALL PENETRATIONS AND TERMINATIONS OF EXTERIOR WALL ASSEMBLIES. EXTERIOR WALL INTERACTIONS WITH ROOF, CHIMNEYS, PORCHES, DECKS, BALCONIES AND SIMILAR PROJECTIONS.
- PROVIDE APPROVED SEALANT WHERE REQUIRED AND AS DETAILED BY MFG.
- DO NOT DRILL KITCHEN WINDOW DOUBLERS.
- PROVIDE A 1" MIN. SOLID CORE FIRERATED DOOR BETWEEN GARAGE AND RESIDENCE MIN. 20 MINUTE FIRERATED R302.1).
- ALL WINDOW NUMBERS REFER TO GENERIC WINDOW SIZES. VERIFY SIZES WITH WINDOW MANUFACTURER USED. ALL SIZES AND SHAPES TO MATCH DIMENSIONALLY.
- ALL BEDROOM WINDOWS TO MEET 2018 MICHIGAN RESIDENTIAL EGRESS CODES. ALL WINDOW SILLS 12" ABOVE FINISH GRADE. SHALL HAVE THE BOTTOM OF THE OPENING LOCATED A MIN. OF 24" ABOVE FINISH FLOOR OF THE ROOM PER MRC 2018 SEC. R612.2.
- AREAS THAT REQUIRE TEMPERED GLASS:  
A. FIXED AND SLIDING PANELS OF SLIDING TYPE DOORS.  
B. SHOULDER AND BATH/TUB DOORS AND ENCLOSURES (IF APPLICABLE).  
C. PANELS WITH A GLAZED AREA IN EXCESS OF 9 SQ. FT. WITH LOWEST EDGE LESS THAN 18 INCHES ABOVE THE FINISHED FLOOR LEVEL.  
D. ALL OTHER AREAS AS CODE REQUIRES PER 2018 MICHIGAN RESIDENTIAL CODE.
- PROVIDE UNDERSTAIR PROTECTION MRC 2018 ENCLOSED ACCESSIBLE SPACE UNDER SHALL HAVE WALLS, UNDER STAIR SURFACE AND ANY SOFFITS PROTECTED ON THE ENCLOSED SIDE WITH 1/2" GYPSUM BOARD.
- WHERE HANDRAILS ARE SHOWN, HANDRAIL HEIGHT IS TO BE NOT LESS THAN 34" AFF. AND MORE THAN 38" AFF. PER R301.1) GUARD RAIL IS TO BE NOT LESS THAN 36" AFF. PER R302. PROVIDE HANDRAIL ON AT LEAST (1) SIDE OF EVERY STAIRWAY PER SECTION R301.1) OF THE (MRC-2018) 2018 MICHIGAN RESIDENTIAL CODE. HANDRAIL GRIP TO COMPLY WITH 2018 MICHIGAN RESIDENTIAL CODE SECTION R301.1) HANDRAIL SHALL BE CONTINUOUS, WHERE ADJACENT TO WALLS SHALL HAVE A SPACE OF MIN. 1" BETWEEN WALLS AND THE HANDRAIL. PER R301.1)2.
- ALL STAIRWAYS SHALL BE ILLUMINATED WITH MIN. (1) FOOT CANDLE OF LIGHT.
- 6'-8" CLEAR HEADROOM REQUIRED ON ALL STAIRS.
- PROVIDE A BATH FAN WHERE SHOWN ON PLAN AND VENT FAN TO EXTERIOR AS REQUIRED. VENT MECHANICAL EXHAUST DIRECTLY OUTSIDE PER R303.3. (MRC-2018)
- TYPICAL ALL HABITABLE ROOMS TO HAVE PROPER LIGHT, VENTILATION AND COMPLY WITH 2018 MICHIGAN RESIDENTIAL CODES.
- PROVIDE ELECTRICAL SMOKE DETECTORS IN ALL SLEEPING AREAS, HALLWAYS, AND MECHANICAL ROOMS ON ALL FLOOR LEVELS, INCLUDING THE BASEMENT. SMOKE DETECTORS SHALL BE WIRED TOGETHER SO AS WHEN ONE SOUNDS, THEY ALL SOUND AND HAVE BATTERY BACKUP PER SEC. R314 OF 2018 MICHIGAN RESIDENTIAL CODE.
- FIRESTOP ALL DROPS AND CHASES, ELECTRICAL, PLUMBING AND HVAC.
- VERIFY ELECTRICAL SERVICE IN ACCOMMODATING ALL NEW WORK, VERIFY ALL PROPOSED ELECTRICAL OUTLETS, SWITCHES, DIMMERS, LIGHT LOCATION, ETC. INCLUDING CABLE AND PHONE PRE-WIRING SECURITY. TAKE INTO CONSIDERATION ALL ELECTRICAL INSTALLATION WITH OWNER, AND COMPLY WITH 2018 MICHIGAN RESIDENTIAL ELECTRICAL CODES.
- WHERE APPLICABLE, VERIFY FIREPLACE OPTION WITH SUBDIVISION SPECS. AND WORK ORDER.
- VERIFY SIZE OF FIREPLACE UNIT WITH BUILDER/OWNER. CONTRACTOR TO VERIFY ROUGH OPENING SIZE OF SELECTED UNIT, WITH MANUF. SPECS. PRIOR TO BUILDING. CONSTRUCT CHIMNEY PER CHAPTER 10 OF THE 2018 MRC.
- PROVIDE 5/8" DRYWALL ON THE GARAGE SIDE OF WALLS COMMON TO RESIDENCE AND GARAGE. ADD 7/8" TYPE "X" DRYWALL TO GARAGE CEILING AREAS ABOVE HABITABLE ROOMS PER MRC 2018 TABLE R302.6.
- LOWER LEVEL AREA CONSIDERED UNHABITABLE. ANY FUTURE ALTERATIONS TO MODIFY LOWER LEVEL TO A HABITABLE SPACE WILL COMPLY STRICTLY TO THE 2018 MICHIGAN RESIDENTIAL CODE. EGRESS WINDOW PROVIDED, AS REQUIRED, IN COMPLIANCE W/ MRC 2018 SEC. R301 - R310.5.
- CHIMNEY TERMINATION MUST PROJECT 2'0" ABOVE ANY PART OF THE BUILDING WITHIN 10 FEET, BUT SHALL NOT BE LESS THAN 3'0" ABOVE HIGHEST POINT WHERE CHIMNEY PASSES THROUGH THE ROOF.
- ROOF VENTILATION WHERE LEAVE OR CORNICE VENTS ARE INSTALLED INSULATION SHALL NOT BLOCK THE FREE FLOW OF AIR. A MINIMUM OF A 1" INCH SPACE SHALL BE PROVIDED BETWEEN THE INSULATION AND THE ROOF SHEATHING AT THE LOCATION OF THE VENTS.
- NOT USED.
- NOT USED.

NOTE:  
ALL CODES SHALL COMPLY WITH THE MICHIGAN BUILDING CODES, INTERNATIONAL BUILDING CODES WHERE APPLICABLE & 2018 MICHIGAN RESIDENTIAL CODE. THEY SHALL ALSO COMPLY WITH ANY JURISDICTION CODES IN THEIR RESPECTIVE COUNTY, CITY, VILLAGE, OR TOWNSHIP AND THEIR PROVISIONS AND ORDINANCES.

NOTE:  
GENERAL NOTES INDICATED ABOVE ARE JUST A SMALL PORTION OF OUR STANDARD NOTES & THE 2018 MICHIGAN RESIDENTIAL CODE BUT THE CODE IS MUCH BROADER & SHOULD BE STRICTLY FOLLOWED BY BUILDERS, TRADES & CRAFTSMAN.

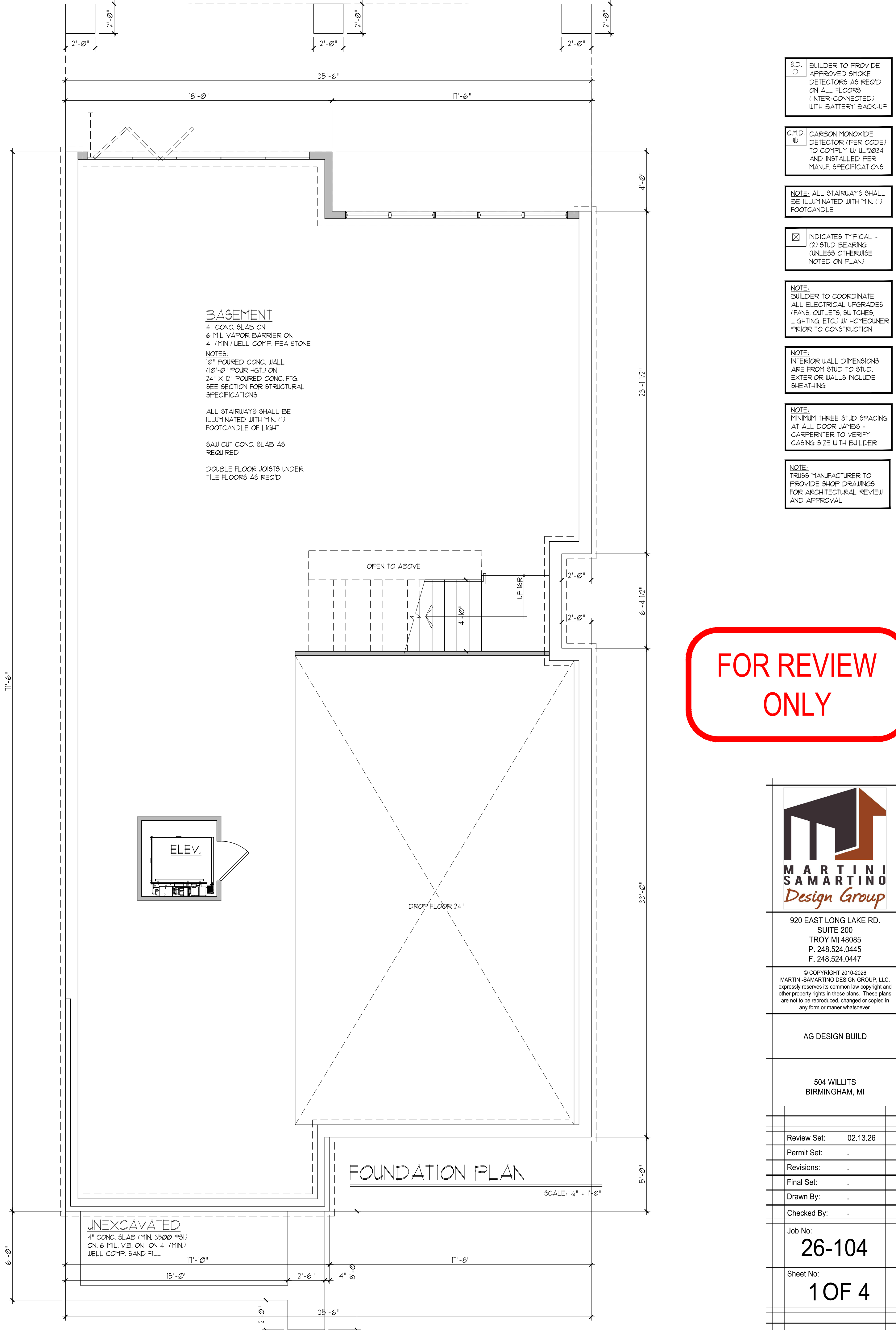
DO NOT SCALE DRAWING. USE PRINTED DIMENSIONS ONLY. IF ANY DISCREPANCY OCCURS NOTIFY THE DESIGNER IMMEDIATELY FOR DIRECTION. BUILDER RESPONSIBLE TO HAVE REVIEWED ALL DRAWINGS AND IF ADDITIONAL CLARIFICATION OR INFORMATION IS NEEDED BUILDER IS TO CONTACT DESIGNER AND SALES COUNSELOR.

THESE CONSTRUCTION DOCUMENTS ARE A GRAPHIC REPRESENTATION FOR THE PROPOSED PROJECT. DIMENSIONS OF ROOMS, WINDOWS OR FIXTURES MAY VARY BETWEEN MANUFACTURERS AND INSTALLATION. BUILDER TO MAKE EVERY ATTEMPT TO MATCH DIMENSIONS AS DRAWN.

WINDOW DESIGNATIONS ARE APPROXIMATE. EXACT SIZES ARE PER THE MANUFACTURER'S SPECIFICATIONS.

SIZE OF ANGLE (IN) **	NO STORY ABOVE	ONE STORY ABOVE	TWO STORIES ABOVE	NO. OF 1/2" OR EQ. REIN. BARS #
3 X 3 X 1/4	6'-0"	4'-6"	3'-0"	1
4 X 3 X 1/4	8'-0"	6'-0"	4'-6"	1
5 X 3 1/2 X 1/4	10'-0"	8'-0"	6'-0"	2
6 X 3 1/2 X 1/4	14'-0"	9'-6"	7'-0"	2
12 (6) X 3 1/2 X 1/4	20'-0"	12'-0"	9'-6"	4

- LONG LEG OF THE ANGLE SHALL BE PLACED IN A VERTICAL POSITION.
- DEPTH OF REINFORCED LINTELS SHALL NOT BE LESS THAN 8 INCHES AND ALL CELLS OF HOLLOW MASONRY LINTELS SHALL BE GROUTED SOLID. REINFORCING BARS SHALL EXTEND NOT LESS THAN 8 INCHES INTO THE SUPPORT.
- STEEL MEMBERS INDICATED ARE ADEQUATE TYPICAL EXAMPLES. OTHER STEEL MEMBERS MEETING STRUCTURAL DESIGN REQUIREMENTS MAY BE USED.



SD: BUILDER TO PROVIDE APPROVED SMOKE DETECTORS AS REQ'D ON ALL FLOORS (INTER-CONNECTED) WITH BATTERY BACK-UP

CRD: CARBON MONOXIDE DETECTOR (PER CODE) TO COMPLY W/ UL 2034 AND INSTALLED PER MANUF. SPECIFICATIONS

NOTE: ALL STAIRWAYS SHALL BE ILLUMINATED WITH MIN. (1) FOOTCANDLE

INDICATES TYPICAL - (2) STUD BEARING (UNLESS OTHERWISE NOTED ON PLAN)

NOTE: BUILDER TO COORDINATE ALL ELECTRICAL UPGRADES (FANS, OUTLETS, SWITCHES, LIGHTING, ETC.) W/ HOMEOWNER PRIOR TO CONSTRUCTION

NOTE: INTERIOR WALL DIMENSIONS ARE FROM STUD TO STUD. EXTERIOR WALLS INCLUDE SHEATHING

NOTE: MINIMUM THREE STUD SPACING AT ALL DOOR JAMBS - CARPENTER TO VERIFY CASING SIZE WITH BUILDER

NOTE: TRUSS MANUFACTURER TO PROVIDE SHOP DRAWINGS FOR ARCHITECTURAL REVIEW AND APPROVAL

**FOR REVIEW ONLY**



920 EAST LONG LAKE RD., SUITE 200  
TROY MI 48065  
P. 248.524.0445  
F. 248.524.0447

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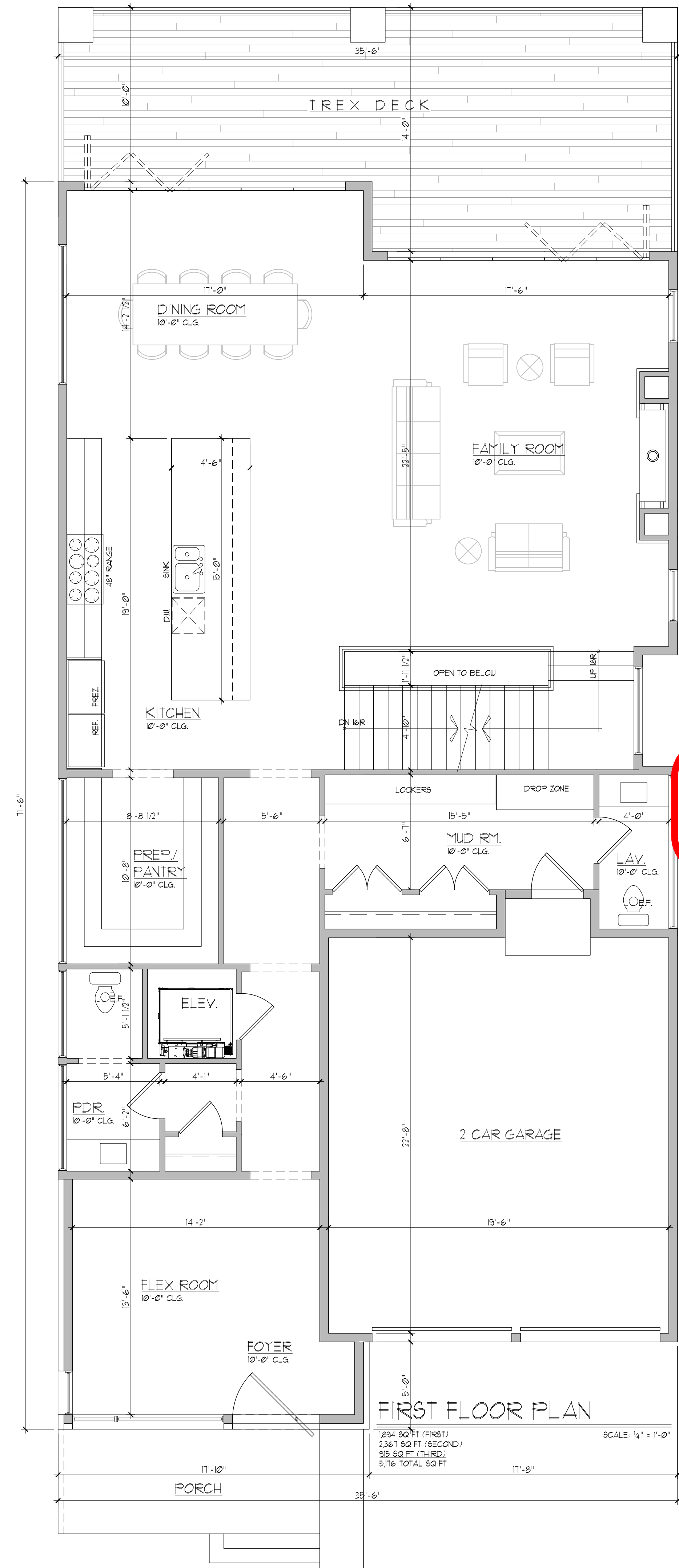
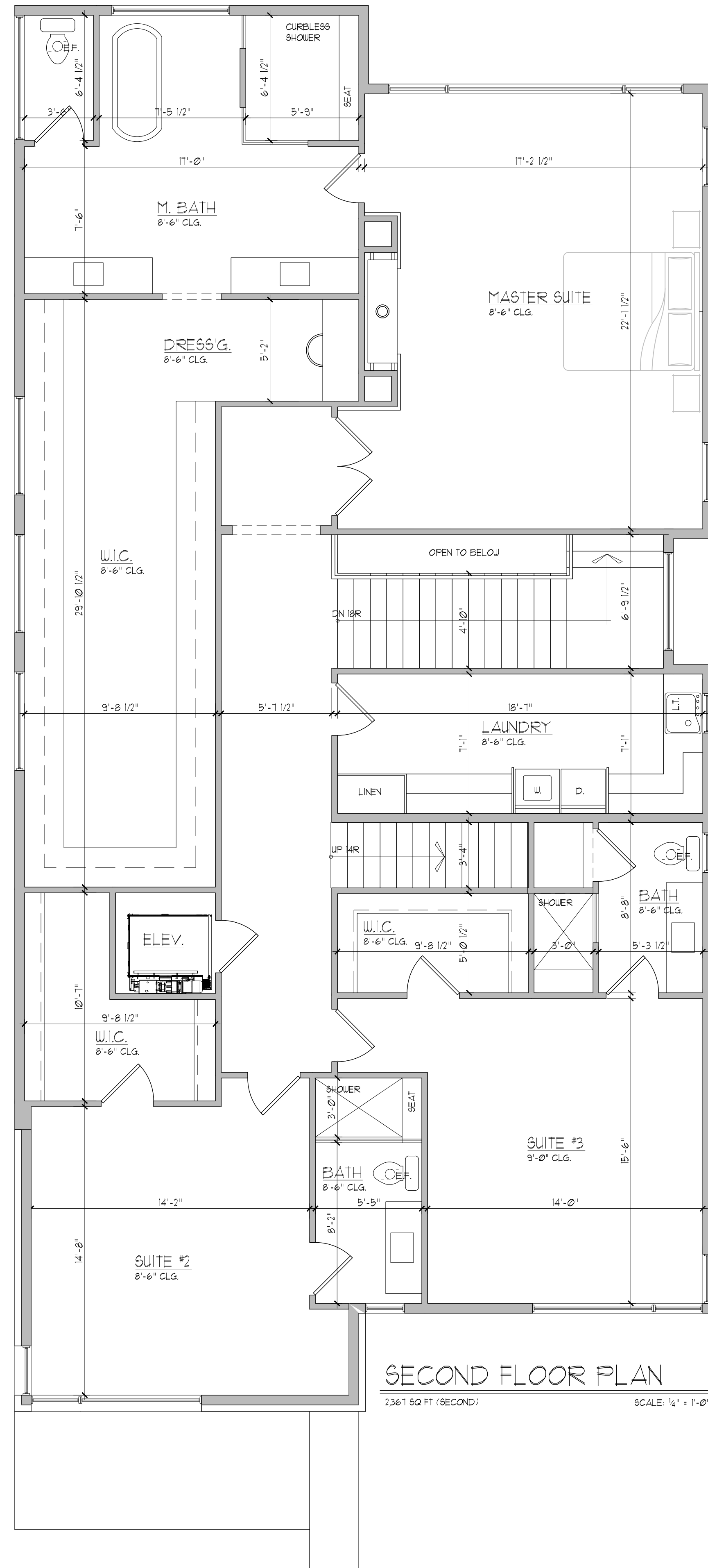
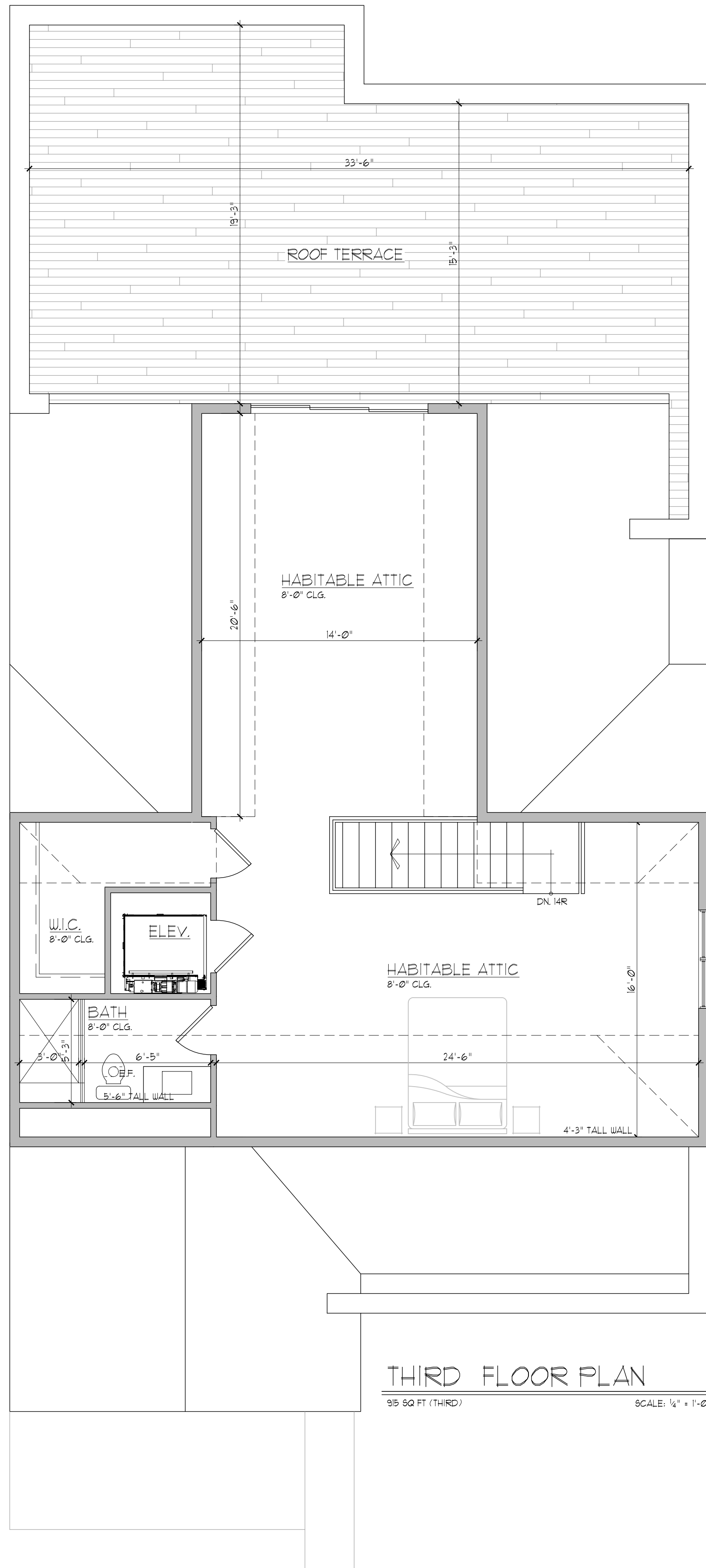
AG DESIGN BUILD

504 WILLITS BIRMINGHAM, MI

Review Set:	02.13.26
Permit Set:	.
Revisions:	.
Final Set:	.
Drawn By:	.
Checked By:	.

Job No:  
**26-104**

Sheet No:  
**1 OF 4**



- SD. O BUILDER TO PROVIDE APPROVED SMOKE DETECTORS AS REQD ON ALL FLOORS (INTER-CONNECTED) WITH BATTERY BACK-UP
- CMO. C CARBON MONOXIDE DETECTOR (PER CODE) TO COMPLY W/ UL 9094 AND INSTALLED PER MANUF. SPECIFICATIONS
- NOTE: ALL STAIRWAYS SHALL BE ILLUMINATED WITH MIN. (1) FOOTCANDLE
- ☒ INDICATES TYPICAL - (2) STUD BEARING (UNLESS OTHERWISE NOTED ON PLAN)
- NOTE: BUILDER TO COORDINATE ALL ELECTRICAL UPGRADES (FANS, OUTLETS, SWITCHES, LIGHTING, ETC.) W/ HOMEOWNER PRIOR TO CONSTRUCTION
- NOTE: INTERIOR WALL DIMENSIONS ARE FROM STUD TO STUD. EXTERIOR WALLS INCLUDE SHEATHING
- NOTE: MINIMUM THREE STUD SPACING AT ALL DOOR JAMBES - CARPENTER TO VERIFY CASING SIZE WITH BUILDER
- NOTE: TRUSS MANUFACTURER TO PROVIDE SHOP DRAWINGS FOR ARCHITECTURAL REVIEW AND APPROVAL

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**26-104**

Sheet No:  
**3 OF 4**



RIGHT ELEVATION

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



REAR ELEVATION

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

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**26-104**

Sheet No:  
**4 OF 4**

# **CASE DESCRIPTION**

**1711 Latham (26-08)**

**Hearing date: March 10, 2026**

**Appeal No. 26-08:** The owner of the property known as 1711 Latham, request the following variances to re-build an existing Living Room using the existing foundation:

A. Chapter 126, Article 2, Section 2.08.2 of the Zoning Ordinance requires a minimum rear yard setback of 30.00 feet. The proposed is 25.10 feet. Therefore, a variance of 4.90 feet is being requested.

B. Chapter 126, Article 2, Section 2.08.2 of the Zoning Ordinance requires a minimum combined front and rear setback of 55.00 feet. The proposed is 50.50 feet. Therefore a variance of 4.50 feet is being requested.

**Staff Notes:** This applicant is proposing to re-build an existing Living room on an existing non-conforming home with an irregular shaped lot.

**This property is zoned R2 – Single family residential.**

---

Andrew Erickson  
Assistant Building Official

# CHAPTER 126 - ZONING

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## 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)

1711 LATHAM



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

**APPLICATION FOR THE BOARD OF ZONING APPEALS**

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

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

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

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

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

**I. PROPERTY INFORMATION:**

Address: 1711 Latham Rd., Birmingham, MI 48009-3021	Lot Number: SUB LOT 66	Sidwell Number: 08-19-35-478-009
--	---------------------------	-------------------------------------

**II. OWNER INFORMATION:**

Name: Drieka DeGraff			
Address: 1711 Latham Rd.	City: Birmingham	State: MI	Zip code: 48009-3021
Email:* drieka@sbcglobal.net		Phone: 248-535-6439	

**III. PETITIONER INFORMATION:**

Name: Chris Lamphear	Firm/Company Name: LL Custom Contracting Inc.		
Address: 1439 E. 11 Mile Rd.	City: Madison Heights	State: MI	Zip code: 48071
Email: sshop@llcustomcontracting.com		Phone: 586-615-6712	

**IV. GENERAL INFORMATION:**

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

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

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

**Variance Chart Example**

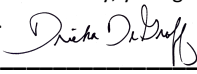
Requested Variances	Required	Existing	Proposed	Variance Amount
Variance A, Front Setback	25.00 Feet	23.50 Feet	23.50 Feet	1.50 Feet
Variance B, Height	30.00 Feet	30.25 Feet	30.25 Feet	0.25 Feet


**V. REQUIRED INFORMATION CHECKLIST:**

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

**VI. APPLICANT SIGNATURE**

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

Signature of Owner:  Date: 1/8/26

Signature of Petitioner:  Chris Lamphear (Jan 6, 2026 14:38:21 EST) Date: 1/06/26

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

**ARTICLE I - Appeals**

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

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

C. The order of hearings shall be:

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

D. Motions and Voting

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

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

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

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

## **ARTICLE III - Rehearings**

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

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

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



[Chris Lamphear \(Jan 6, 2026 14:38:21 EST\)](#)

---

Signature of Applicant

**Signature:** 

[Chris Lamphear \(Jan 6, 2026 14:38:21 EST\)](#)

**Email:** [clamphear@llcustomcontracting.com](mailto:clamphear@llcustomcontracting.com)











# BZA APPLICATION FILLABLE 2024

Final Audit Report

2026-01-08

Created:	2026-01-06
By:	Susan Shopinski (sshop@llcustomcontracting.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAkynNaDZn5sqJc8SnGV8KU38WrrgdSVWe

## "BZA APPLICATION FILLABLE 2024" History

-  Document created by Susan Shopinski (sshop@llcustomcontracting.com)  
2026-01-06 - 7:11:19 PM GMT
-  Document emailed to clamphear@llcustomcontracting.com for signature  
2026-01-06 - 7:21:14 PM GMT
-  Email viewed by clamphear@llcustomcontracting.com  
2026-01-06 - 7:36:04 PM GMT
-  Signer clamphear@llcustomcontracting.com entered name at signing as Chris Lamphear  
2026-01-06 - 7:38:19 PM GMT
-  Document e-signed by Chris Lamphear (clamphear@llcustomcontracting.com)  
Signature Date: 2026-01-06 - 7:38:21 PM GMT - Time Source: server
-  Document emailed to drieka@sbcglobal.net for signature  
2026-01-06 - 7:38:26 PM GMT
-  Email viewed by drieka@sbcglobal.net  
2026-01-08 - 10:55:40 AM GMT
-  Signer drieka@sbcglobal.net entered name at signing as Drieka DeGraff  
2026-01-08 - 3:33:44 PM GMT
-  Document e-signed by Drieka DeGraff (drieka@sbcglobal.net)  
Signature Date: 2026-01-08 - 3:33:46 PM GMT - Time Source: server
-  Agreement completed.  
2026-01-08 - 3:33:46 PM GMT



February 12, 2026

Re: Zoning Variance Request – 1711 Latham Road, Birmingham, MI

To the Birmingham Board of Zoning Appeals,

We are requesting approval of a **4.90 Feet encroachment** to the rear yard setback variance and a **4.50 foot reduction** to the required combination front and rear of 55 feet for the property located at 1711 Latham Road to allow for the reconstruction of an existing sunroom within its original footprint.

The home was built in 1955, prior to the adoption of the City's current zoning ordinance, rear yard setback and front/rear combo setback requirements. The existing sunroom is a legally non-conforming structure, and this condition is not self-created.

The sunroom has several construction and functional deficiencies that the owner would like to address, including improvements to energy efficiency, structural integrity, and safety related to height and floor level alignment. The proposed work does not increase the footprint of the structure; however, the height will be raised to align with the existing first-floor level of the home.

The sunroom structure is located entirely within the rear yard and is NOT visible at all from the street and minimally visible from the neighboring properties. Requiring compliance with the current rear yard setback would create a practical difficulty, as the structure has long existed in this location and relocating or reducing it would eliminate usable living space without providing a corresponding public benefit.

This request represents the minimum variance necessary to address the existing conditions and will not alter the character of the neighborhood or negatively impact adjacent properties.

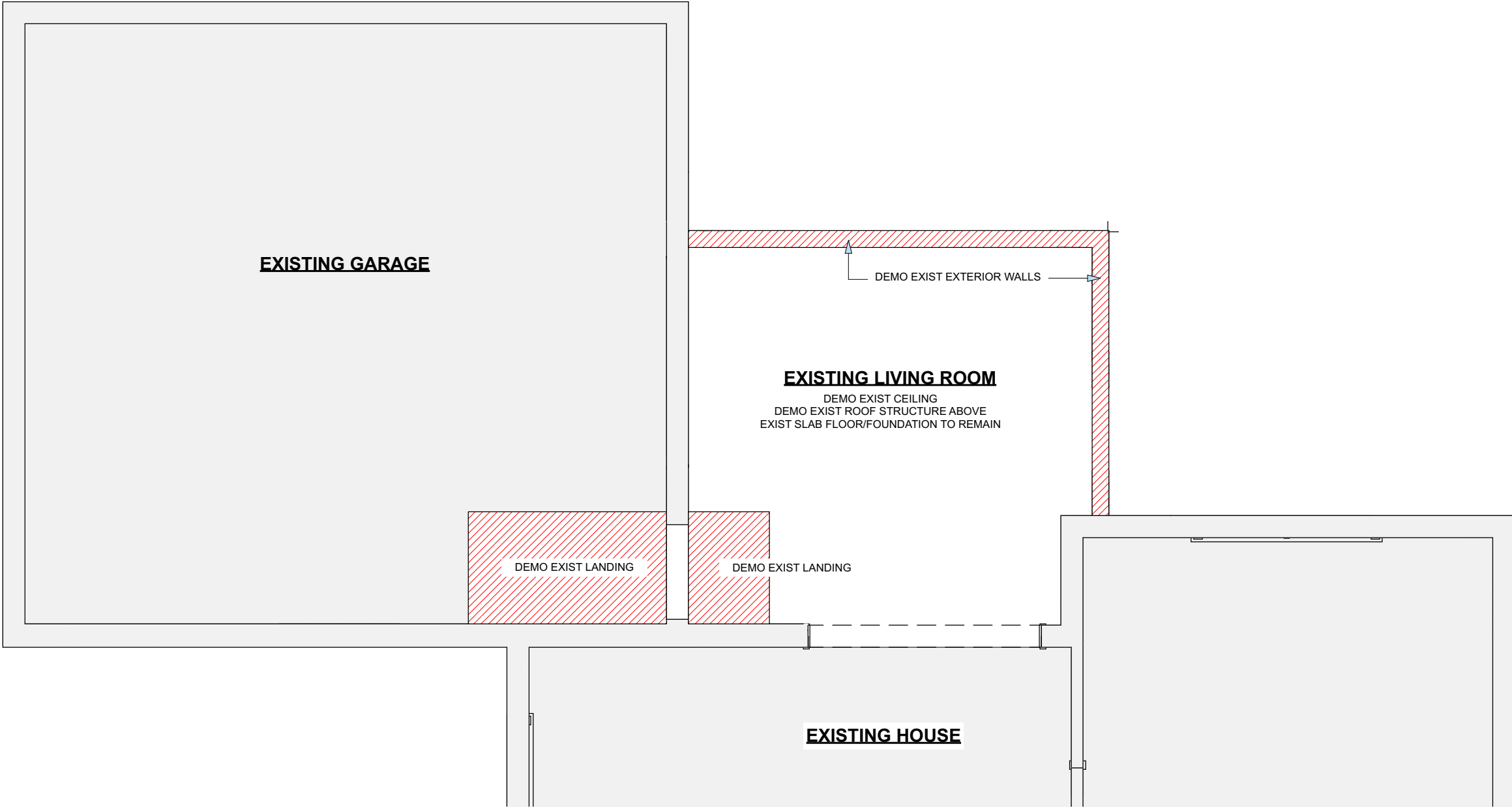
We respectfully request approval of this variance.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Chris Lamphear', with a long horizontal line extending to the right.

Chris Lamphear  
LL Custom Contracting  
[clamphear@llcustomcontracting.com](mailto:clamphear@llcustomcontracting.com)  
313-434-1900





**DEMO FLOOR PLAN**

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

CLIENT INFORMATION

DRIEKA DEGRAFF  
1711 LATHAM STREET  
BIRMINGHAM, MI 48009

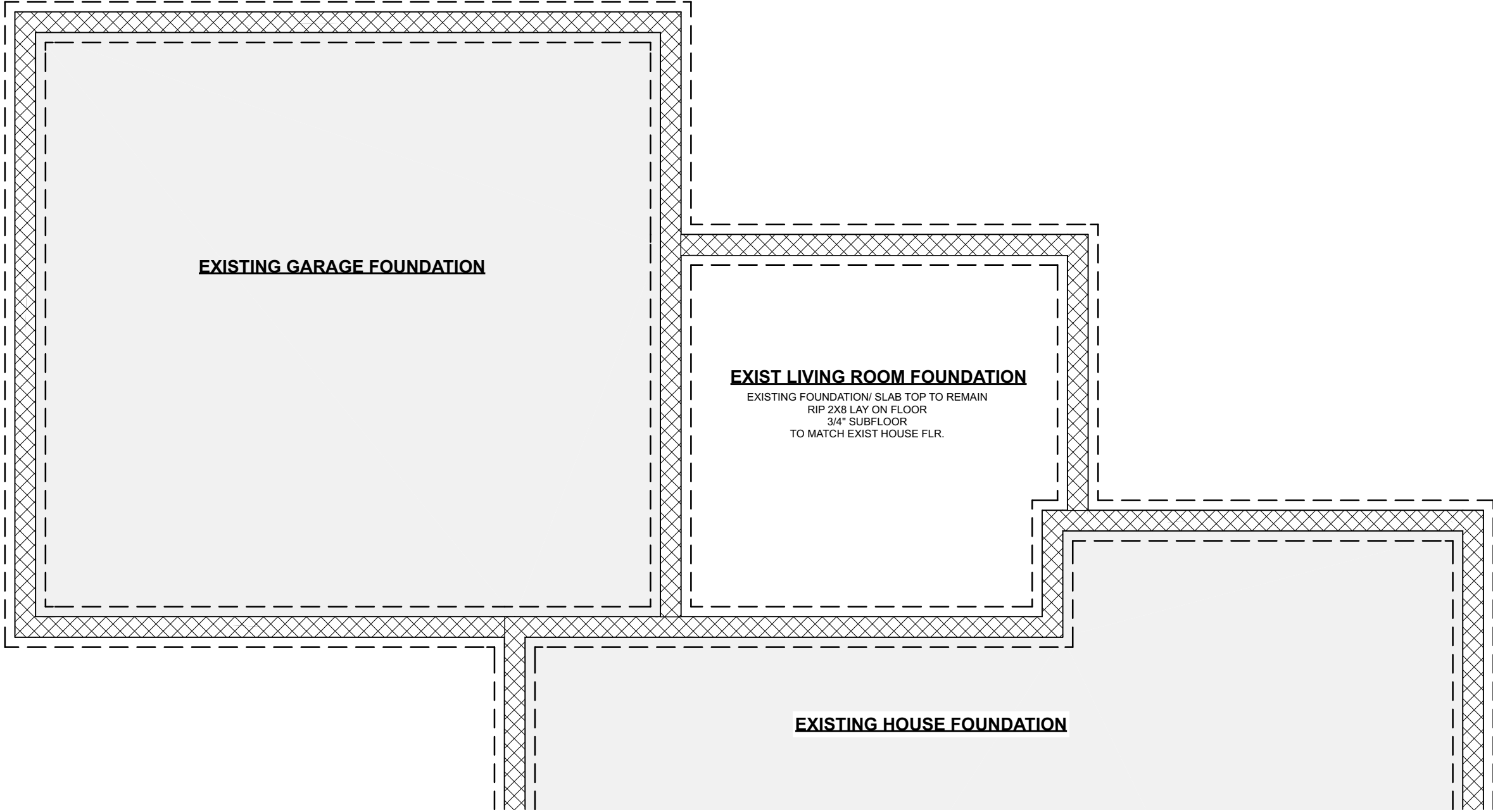
1439 E 11 MILE ROAD  
MADISON HEIGHTS, MI 48071

PHONE: 248.632.1220  
www.lcustomcontracting.com



DATE  
1/12/2026

SHEET:  
**A-1**



**FOUNDATION PLAN**

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

CLIENT INFORMATION

DRIEKA DEGRAFF  
1711 LATHAM STREET  
BIRMINGHAM, MI 48009

1439 E 11 MILE ROAD  
MADISON HEIGHTS, MI 48071

PHONE: 248.632.1220  
www.lcustomcontracting.com



DATE  
1/12/2026

SHEET:  
**A-2**

CLIENT INFORMATION

DRIEKA DEGRAFF  
1711 LATHAM STREET  
BIRMINGHAM, MI 48009

1439 E 11 MILE ROAD  
MADISON HEIGHTS, MI 48071

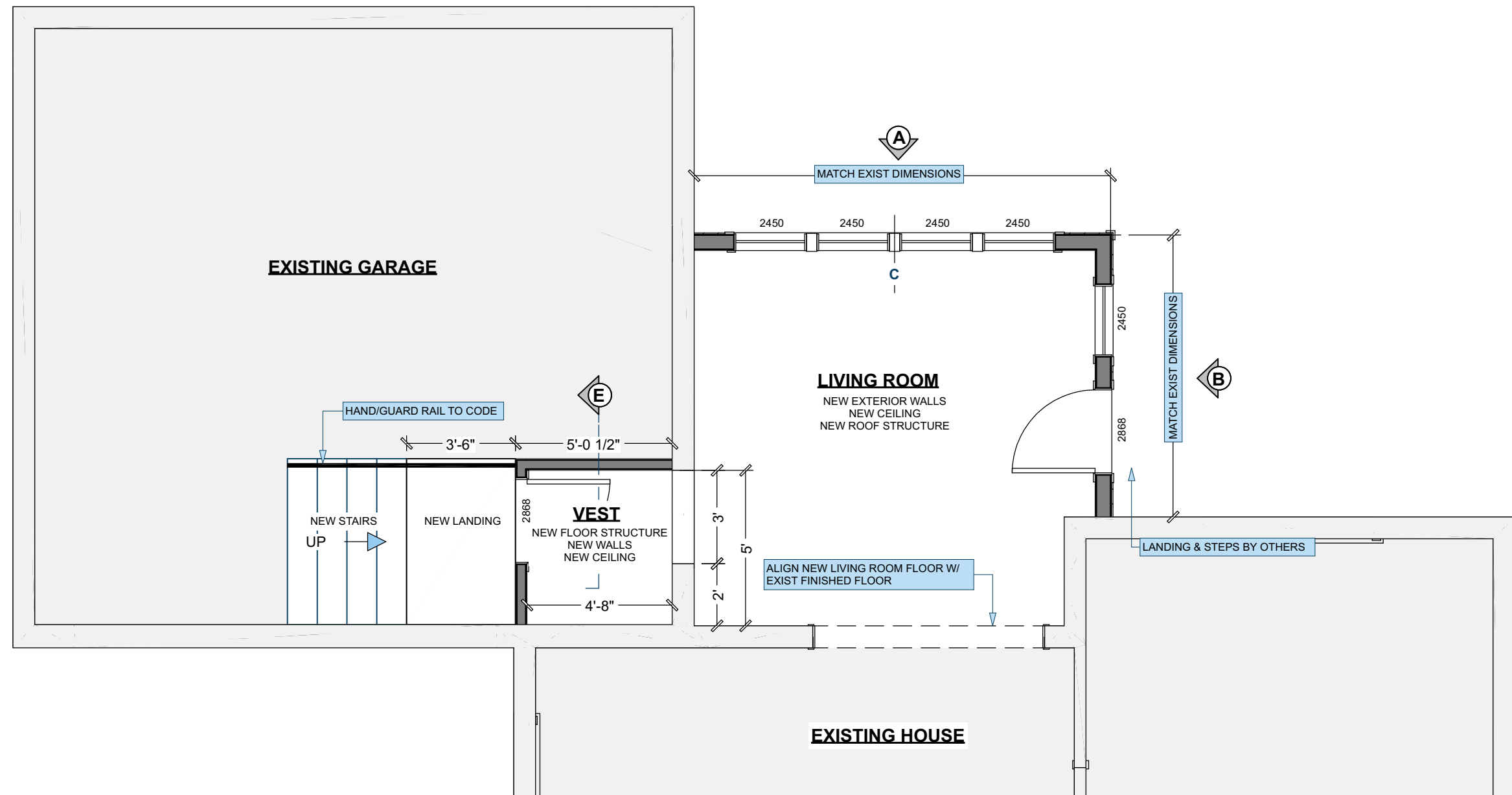
PHONE: 248.632.1220  
www.lcustomcontracting.com



DATE  
1/12/2026

SHEET:

**A-3**



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

CLIENT INFORMATION

DRIEKA DEGRAFF  
1711 LATHAM STREET  
BIRMINGHAM, MI 48009

1439 E 11 MILE ROAD  
MADISON HEIGHTS, MI 48071

PHONE: 248.632.1220  
www.lcustomcontracting.com

CUSTOM  
CONTRACTING INC.

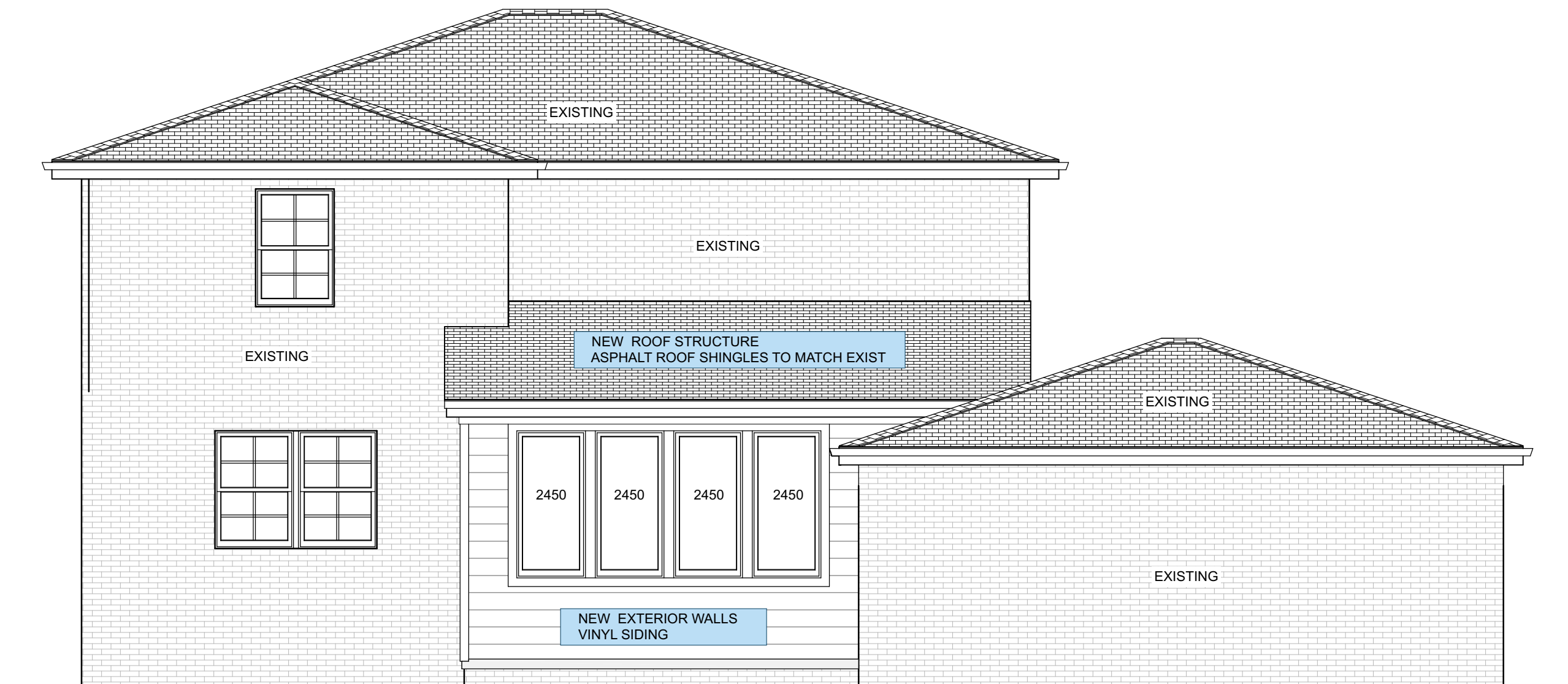


DATE

1/12/2026

SHEET:

**A-4**



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

CLIENT INFORMATION

DRIEKA DEGRAFF  
1711 LATHAM STREET  
BIRMINGHAM, MI 48009

1439 E 11 MILE ROAD  
MADISON HEIGHTS, MI 48071

PHONE: 248.632.1220  
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CUSTOM  
CONTRACTING INC.

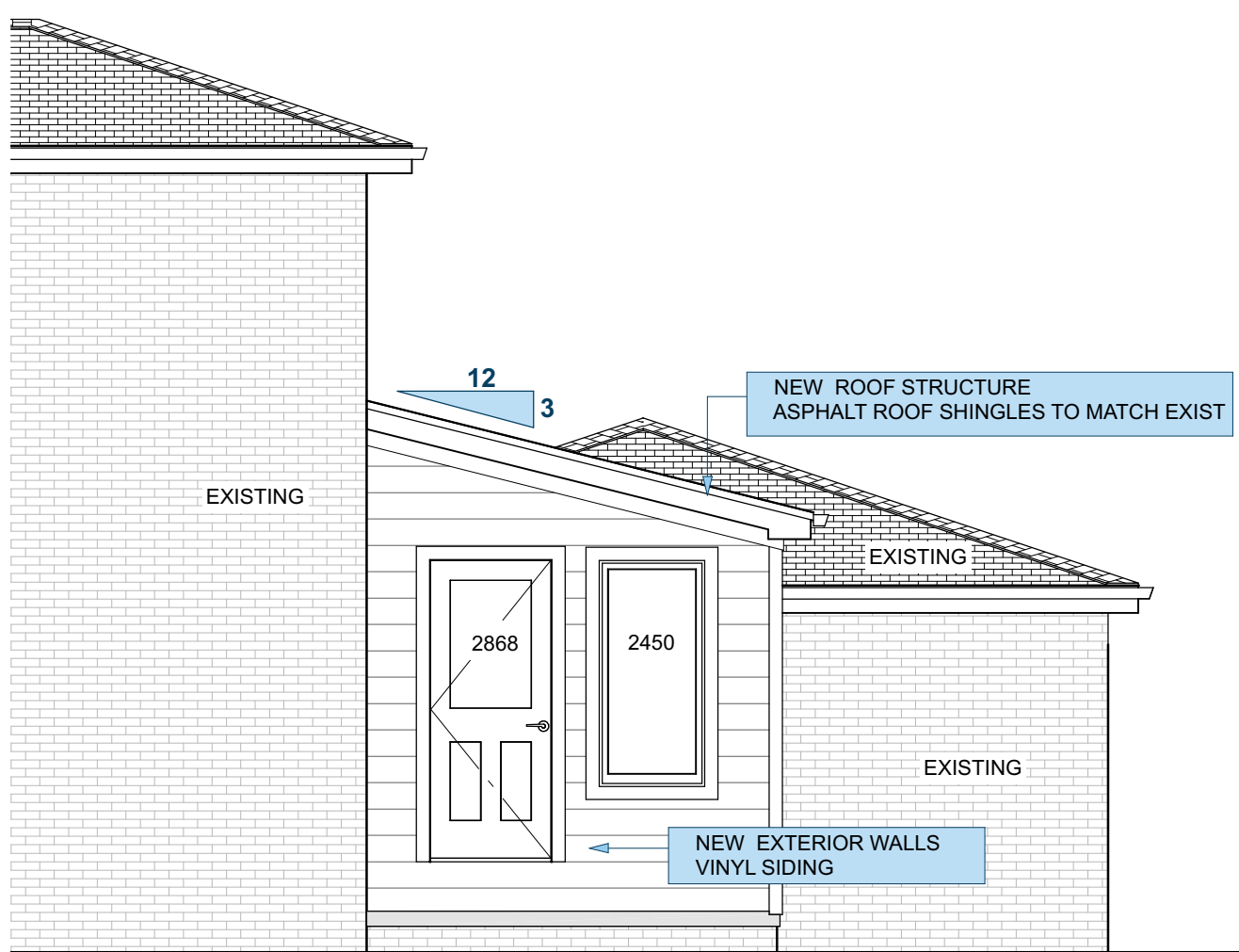


DATE

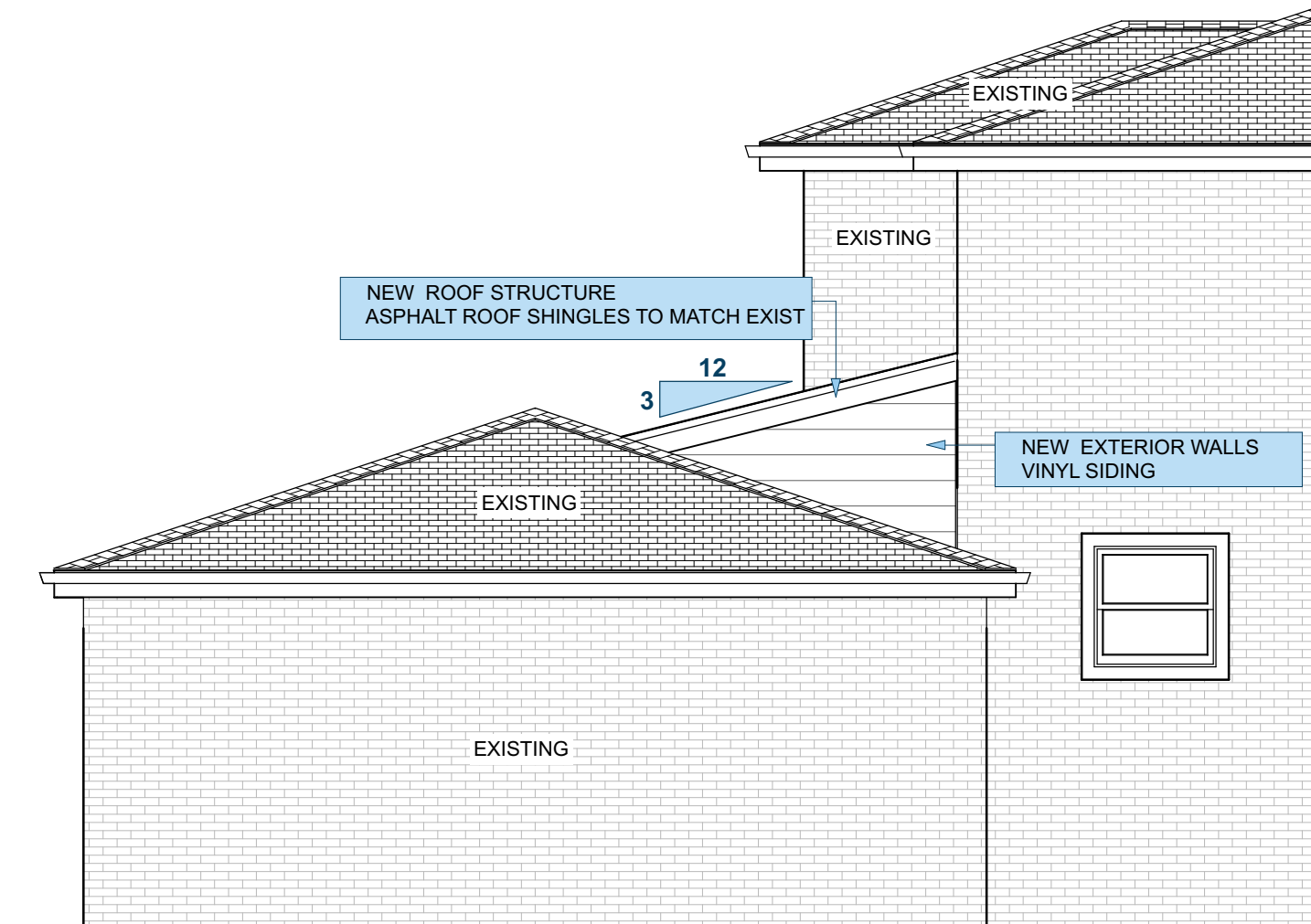
1/12/2026

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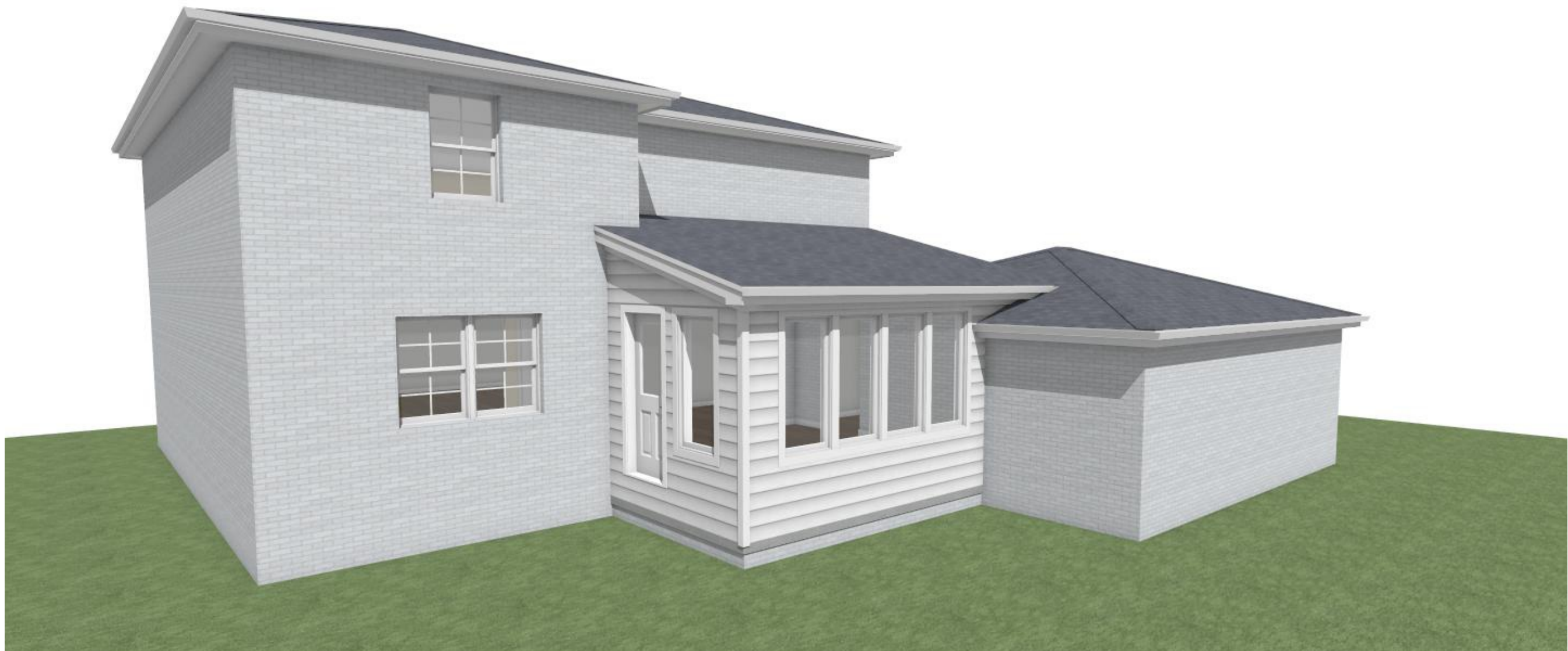
**A-5**



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



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



CLIENT INFORMATION

DRIEKA DEGRAFF  
1711 LATHAM STREET  
BIRMINGHAM, MI 48009

1439 E 11 MILE ROAD  
MADISON HEIGHTS, MI 48071

PHONE: 248.632.1220  
[www.lcustomcontracting.com](http://www.lcustomcontracting.com)

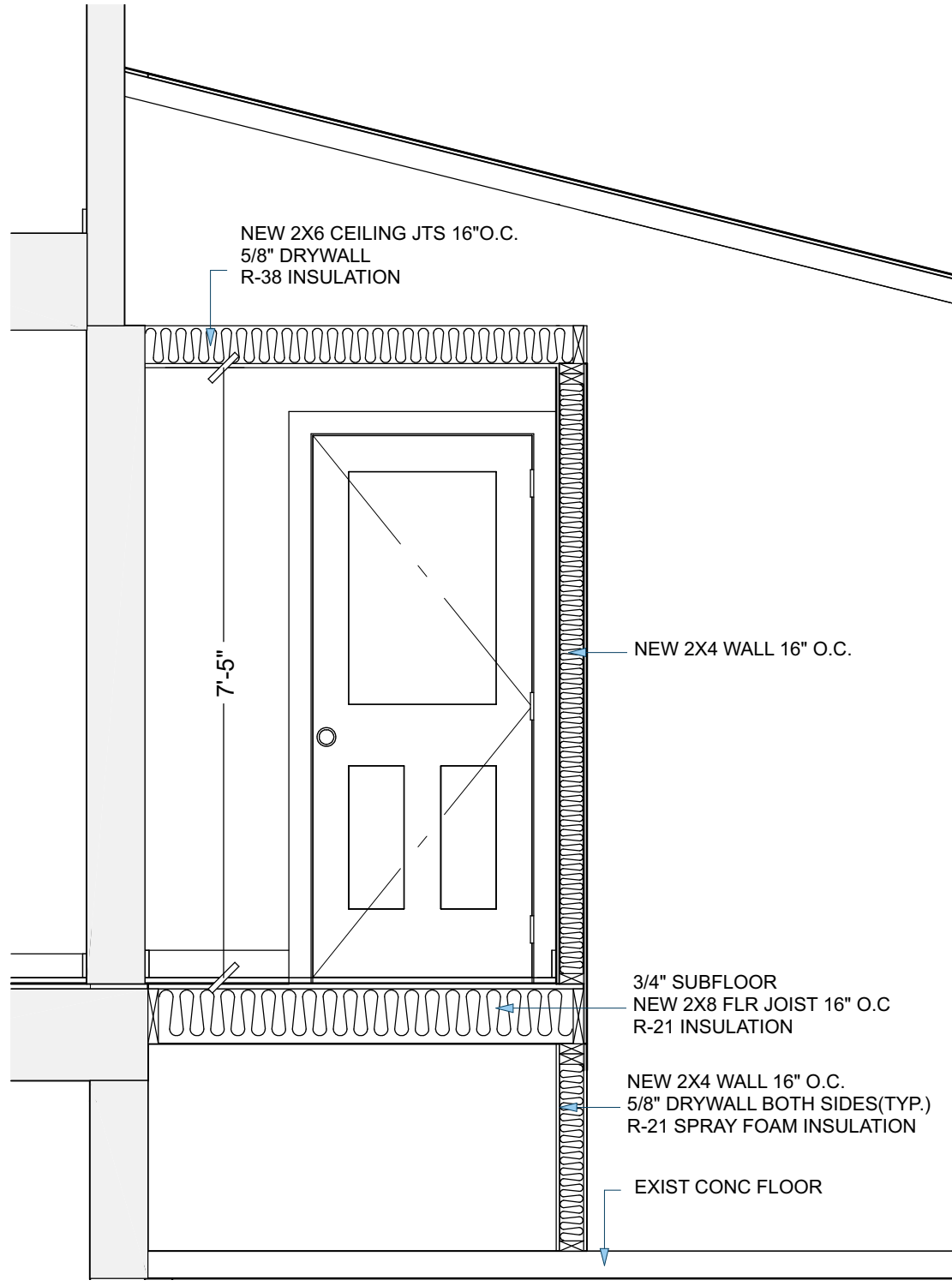
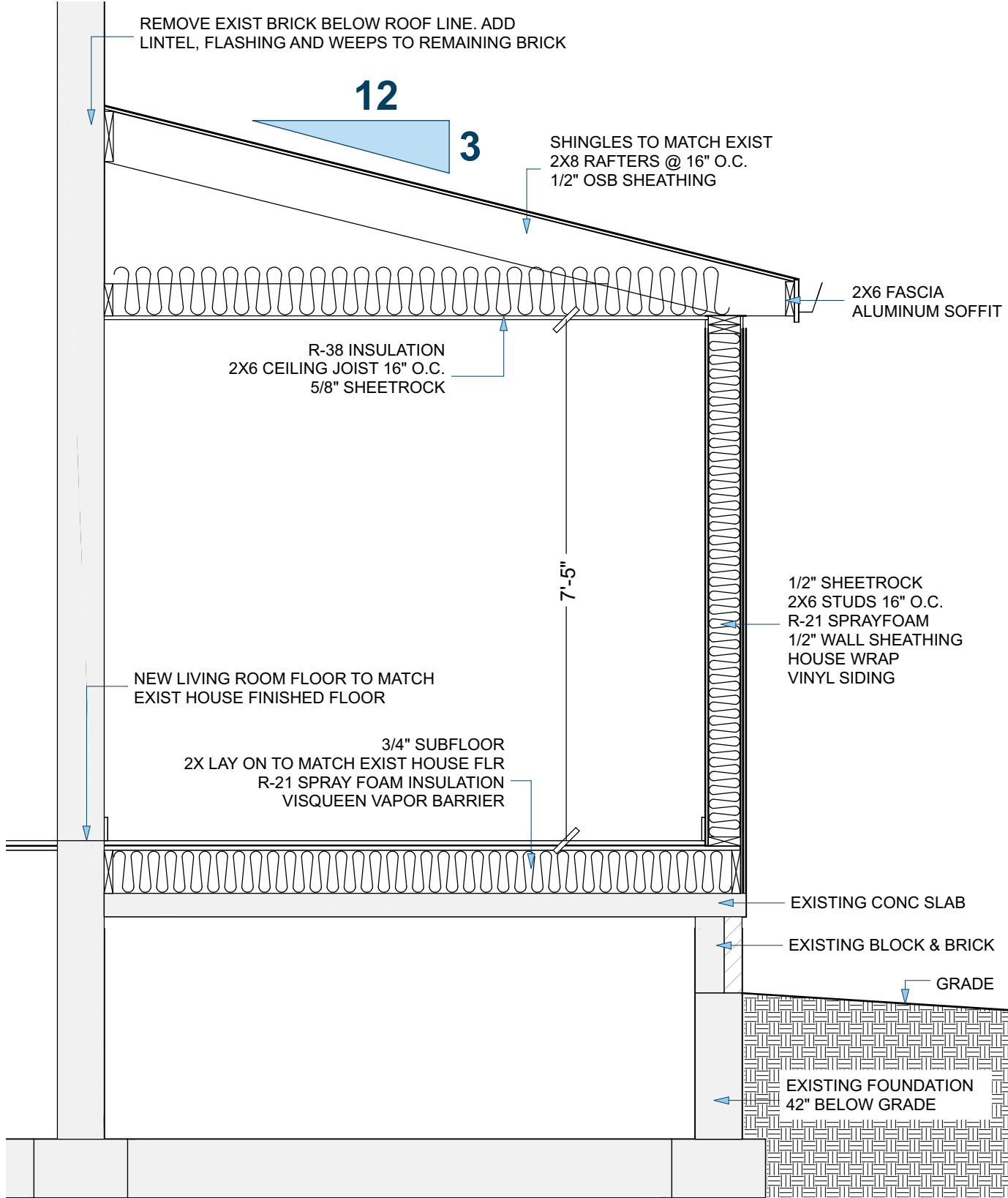


DATE

1/12/2026

SHEET:

**A-6**



**LIVING ROOM WALL SECTION**

SCALE: 1/2" = 1'-0"

**E WALL SECTION**

SCALE: 1/2" = 1'-0"

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DATE  
1/12/2026

SHEET:

**A-7**

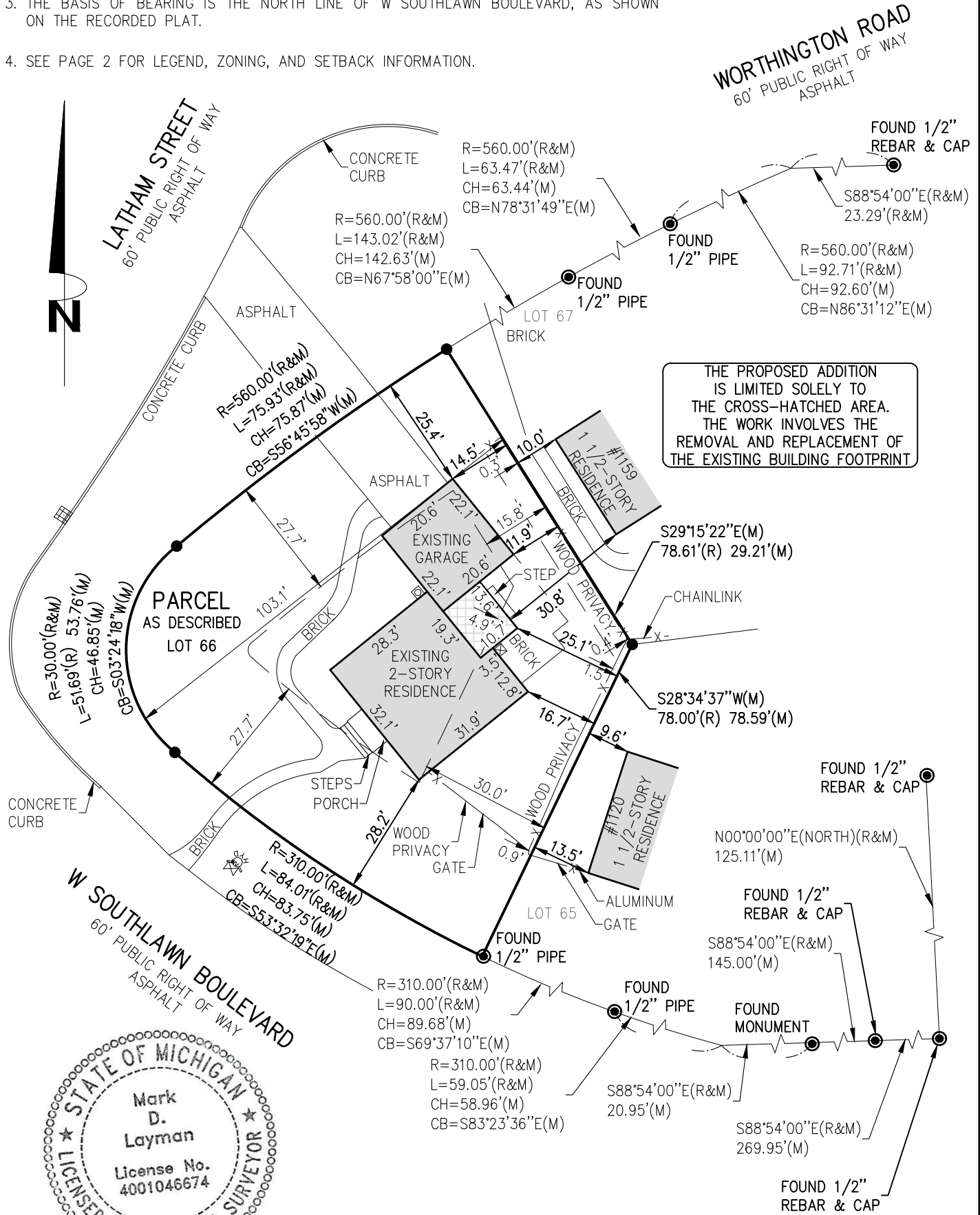
**LEGAL DESCRIPTION** (PARCEL ID: 08-19-35-478-009)

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

LOT 66 OF J. LEE BAKER CO'S BIRMINGHAM HILLS SUBDIVISION OF PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 35, TOWN 2 NORTH, RANGE 10 EAST, VILLAGE OF BIRMINGHAM, OAKLAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 41 OF PLATS, PAGE 40, OAKLAND COUNTY RECORDS.

**NOTES:**

1. A CURRENT TITLE POLICY HAS NOT BEEN FURNISHED AT TIME OF SURVEY, THEREFORE EASEMENTS AND/OR ENCUMBRANCES AFFECTING SUBJECT PARCEL MAY NOT BE SHOWN.
2. SUBJECT PARCEL CONTAINS ±9,257 SQ. FT. OR ±0.12 ACRES OF LAND.
3. THE BASIS OF BEARING IS THE NORTH LINE OF W SOUTHLAWN BOULEVARD, AS SHOWN ON THE RECORDED PLAT.
4. SEE PAGE 2 FOR LEGEND, ZONING, AND SETBACK INFORMATION.



I HEREBY CERTIFY THAT I HAVE SURVEYED THE PARCEL OF LAND SHOWN AND DESCRIBED HEREON AND THAT THIS SURVEY MEETS THE REQUIREMENTS OF PUBLIC ACT 132 OF 1970, AS AMENDED.

*Mark D. Layman*  
 MARK D. LAYMAN, P.S. #46674

REVISED 01-20-2026 TO UPDATE SETBACK INFORMATION AND DIMENSIONS  
 REVISED 01-12-2026 TO ADD ZONING INFORMATION  
 REVISED 01-10-2026 TO ADD ADDITIONAL DIMENSIONS

<b>CERTIFIED SURVEY</b>	
1711 Latham Street, Birmingham, MI 48009	
Client: LL Custom Contracting Inc	
Date: 01/09/2026	Project No: 4268-493
Drawn By: MEB	Revision No: 3
Scale: 1" = 30'	Page 1 of 2



**CORE**  
 LAND CONSULTING  
 30445 Northwestern Hwy., Suite 143  
 Farmington Hills, MI 48334  
 Phone: (248) 932-7120

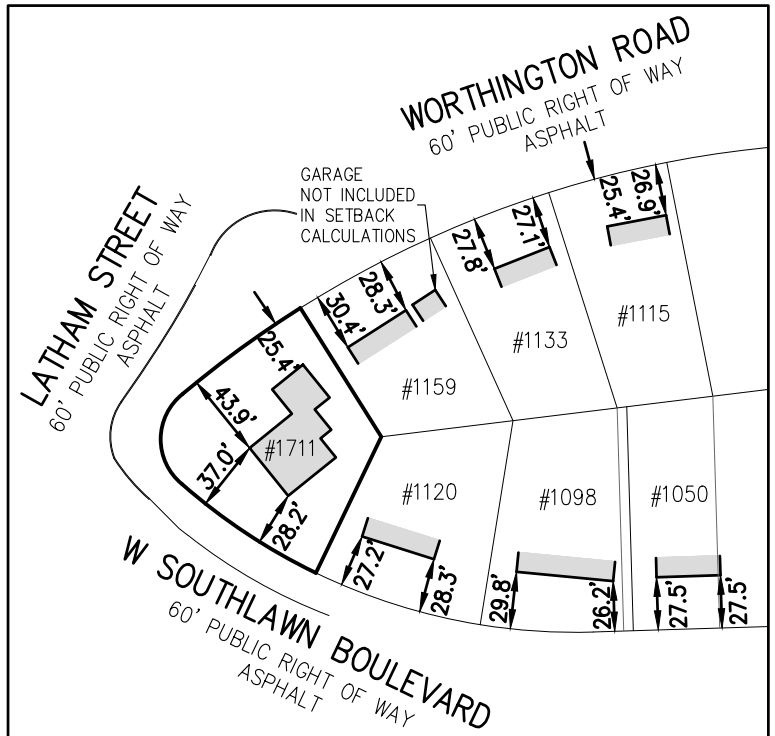
**ZONING INFORMATION:**

THE ZONING INFORMATION WAS ACQUIRED FROM WWW.BHAMGOV.ORG ON JANUARY 12, 2026. DUE TO THE NEED FOR INTERPRETATION OF THE APPLICABLE ZONING CODE RESTRICTIONS ALL DATA REGARDING ZONING MUST BE VERIFIED WITH THE GOVERNING JURISDICTION. THE SURVEYOR DOES NOT MAKE ANY CERTIFICATION ON THE BASIS OF INTERPRETATION OR OPINION.

THE SUBJECT PARCEL IS ZONED R2, SINGLE-FAMILY RESIDENTIAL.

- MINIMUM LOT AREA 6,000 SQ. FT.
- MINIMUM OPEN SPACE: 40%
- MAXIMUM LOT COVERAGE: 30%
- MINIMUM SETBACKS FRONT: 27.7 FEET  
(AVERAGE DISTANCE FROM THE FRONT LOT LINE OF HOMES ON LOTS WITH FRONTAGE ON THE SAME SIDE OF THE STREET WITHIN 200 FEET)
- MINIMUM SETBACKS REAR: 30 FEET
- MINIMUM SETBACKS SIDES: 15.8 FEET  
(THE MINIMUM DISTANCE BETWEEN PRINCIPAL BUILDINGS IS EQUAL TO 25% OF THE WIDTH OF THE LOT AT THE FRONT OF THE HOUSE. THE LOT WIDTH AT THE FRONT OF THE HOUSE IS 103.10 FEET)
- MAXIMUM BUILDING HEIGHT: 30 FEET TO MIDPOINT FOR SLOPED ROOFS; 24 FEET FOR FLAT ROOFS ONLY; 2 STORIES; AND 24 FEET FOR EAVES.

REQUESTED VARIANCE	REQUIRED	EXISTING	PROPOSED	VARIANCE AMOUNT
REAR YARD SETBACK	30.00 FEET	25.10 FEET	25.10 FEET	4.90 FEET
COMBINED FRONT & REAR YARD SETBACKS	55.00 FEET	50.50 FEET	50.50 FEET	4.50 FEET



**SETBACK DETAIL**  
(SCALE: 1"=100')

**LEGEND:**

- FOUND MONUMENT (AS NOTED)
- SET 1/2" RE-BAR & CAP
- SQUARE CATCH BASIN
- ⊙ FIRE HYDRANT
- ⊕ WATER VALVE
- ⊠ GAS METER
- ⊞ ELECTRIC METER
- ADJOINING BOUNDARY LINE
- EDGE OF ASPHALT
- BOUNDARY LINE
- BUILDING
- EDGE OF CONCRETE
- CONCRETE CURB
- SETBACK
- x- FENCE (AS NOTED)
- PLATTED SUBDIVISION
- EDGE OF BRICK

**NOTES:**

- SEE PAGE 1 FOR LEGAL DESCRIPTION, BOUNDARY SURVEY, AND ADDITIONAL NOTES

REVISED 01-20-2026 TO UPDATE SETBACK INFORMATION AND DIMENSIONS  
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