



MEMORANDUM

DATE: April 17, 2025

TO: Zoning Board of Appeals

FROM: Planning Division

SUBJECT: **Report of Findings**
Case No. 25-05-11 – 411 Maxwell Ave. (25-16-378-024)

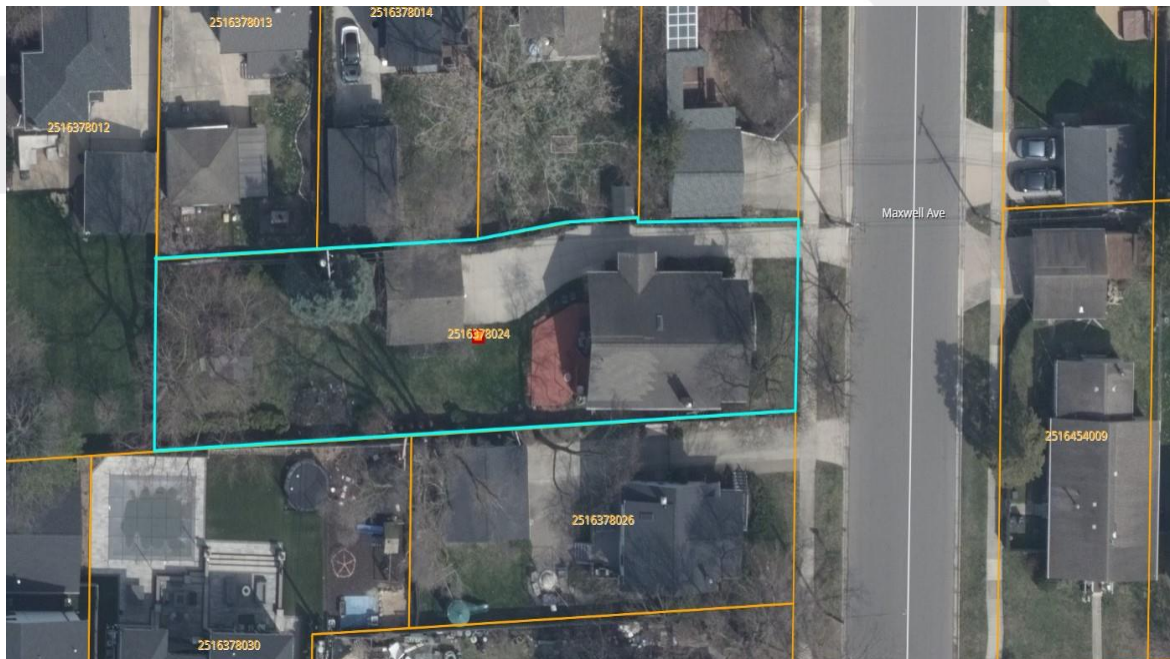
1. Requested Variance

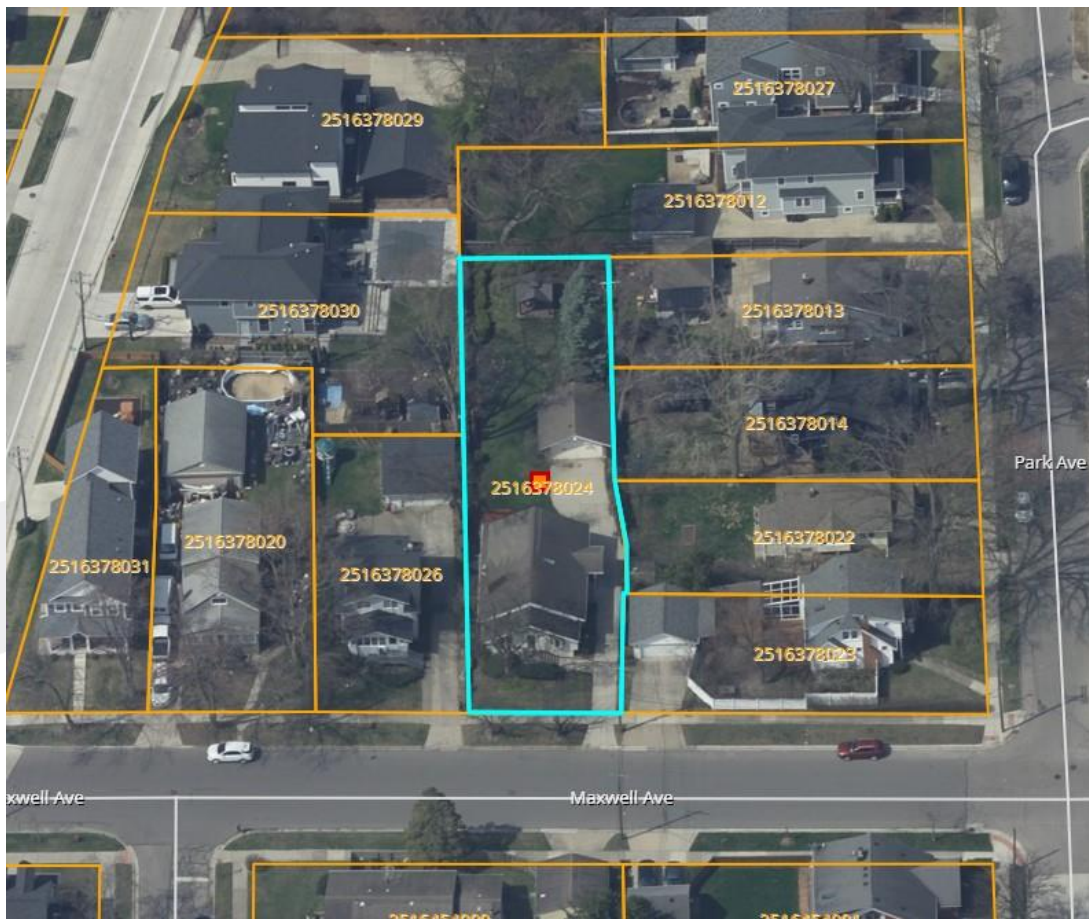
- (a) Waive 4.6 ft. of the minimum required 25 ft. east front yard setback.
- (b) Waive 14.9 ft. of the maximum allowable 7 ft. extension of a covered, unenclosed front porch and steps into the minimum required front yard setback.

2. Purpose

To permit construction of additions and a new front covered, unenclosed porch and steps to an existing single-family dwelling.

3. Aerial Photograph





4. **Variances to Chapter 770 Zoning**

ARTICLE IV Zone Regulations & General Provisions

§ 770-21 – (C) Application of Zoning District regulations

(5) Exceptions

(c) Unenclosed porches and steps may extend from the face of the building into a required front yard setback a distance not more than seven feet, and shall not exceed one story in height.

§ 770-34 One-Family Residential – (D) Area and bulk regulations:

(5) Front yard setback

(a) Interior lot. All principal buildings shall be setback the greater of 25 feet or the average of adjacent dwellings...

5. **Petitioner & Owner**

Trademark Building Company, petitioner, & Dahn & Joel Brickner, owners

6. **Findings**

The subject property is located on the west side of Maxwell Ave. in the One-Family Residential zoning district. The property is 48 feet in width, 192.25-193.3 ft. in depth, and contains a lot area of roughly 9,254 sq. ft. The property is improved with an existing single-family dwelling. There are also detached accessory structures at the rear of the property.

The minimum required front yard setback, measured to the exterior of the nearest point of living space, is 25 ft. At its nearest point, the existing dwelling maintains a non-conforming 20.4 ft. east front yard setback.

The petitioner proposes to demolish the front of the dwelling which is differentiated by a lower, offset roofline. The differentiated roofline has a 30 ft. front yard setback.

The demolition of the front of the dwelling results in a compliant front yard setback. However, the demolished portion of the dwelling would be replaced with new living space and a covered, unenclosed front porch and steps. As noted below, the proposal results in non-conforming setbacks.

New living space would be incorporated at the northeast corner of the modified dwelling. The new living space resulting in a non-conforming 20.4 ft. east front yard setback. Any modification or addition to the existing dwelling must result in conforming setbacks or obtain the necessary variance(s). The petitioner is also seeking a variance to waive 4.6 ft. of the minimum required 25 ft. east front yard setback.

A new covered, unenclosed front porch would be incorporated at the southeast corner of the dwelling. Graduated steps extend into the front yard setback. Provisions in the Zoning Ordinance allow an unenclosed front porch and steps to extend no more than 7 ft. into the minimum required 25 ft. front yard setback. Based upon the petitioner's floor plans and building elevations, the new front porch steps will measure 3.1 ft. from the front property line. Ordinance provisions allow a covered, unenclosed front porch and steps to be no closer than 18 ft. from the front property line. The proposed porch is 20.4 ft. from the front property line. The proposed steps are 3.1 ft. from the front property line. Thus, the petitioner is seeking a variance to waive 14.9 ft. of the maximum allowable 7 ft. extension of a covered, unenclosed front porch and steps into the minimum required front yard setback.

7. **Decision**

Per § 770-124 (E) of the Zoning Ordinance: Upon an appeal, the Board is authorized to grant a variance from the strict provisions of this chapter, whereby unique, extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional practical difficulties to, or exceptional undue hardship upon the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this chapter. In granting a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this chapter. Further, in granting a variance, the Board shall state the grounds upon which it justifies the granting of a variance as outline below. When granting any variance, the Board must ensure that the spirit of this chapter is observed, public safety secured, and natural resources protected. The Board shall determine that the variance approval, either as proposed by the applicant or as otherwise determined by the Board based upon the record, is the minimum relief necessary in order to achieve

substantial justice. The Board shall not have the power to consider an appeal of any decision concerning a special land use or planned unit development, unless specifically authorized to do so by the Planning Commission.

Nonuse variances. The applicant must present evidence to show that if this chapter is applied strictly, practical difficulties will result to the applicant and that all four of the following requirements are met:

- a. That this chapter's restrictions unreasonably prevent the owner from using the property for a permitted purpose,
- b. That the variance would do substantial justice to the applicant as well as to other property owners in the district, and a lesser relaxation than that requested would not give substantial relief to the owner of the property or be more consistent with justice to other property owners,
- c. That the plight of the landowner is due to the unique circumstances of the property; and
- d. That the alleged hardship has not been created by any person presently having an interest in the property.

Nonuse variances require 5 affirmative votes for approval.

cc: Dahn & Joel Brickner, 411 Maxwell Ave., Royal Oak, MI 48073
Brad Holder, Trademark Building Company, 1236 Rankin Dr., Troy, MI 48083



Toddman Long House
946-941-8178
toddmanlonghouse@gmail.com
toddmanlonghouse.com











Park Ave.
(50' R.O.W.)

Sherman Dr.
(R.O.W. Varies)

LEGAL DESCRIPTION - PER TITLE COMMITMENT

The Land referred to herein below is situated in the City of Royal Oak, County of Oakland, State of Michigan, and is described as follows:

PARCEL 1:
That part of Lot 143 of WOODCREST SUBDIVISION, according to the plat thereof as recorded in Liber 16 of Plats, page 28, Oakland County Records, described as beginning at the Southeast corner of Lot 143; thence along the South line of said Lot 143, 50 feet to the Southwest corner of said lot; thence in a Northeastly direction 29.05 feet to a point, said point being 3.85 feet measured at right angles from the aforesaid South line of Lot 143; thence in an Easterly direction 21.35 feet to the East line of aforesaid Lot 143; thence in a Southerly direction along the East lot line 3 feet to the point of beginning.

PARCEL 2:
Part of Lot 144 of WOODCREST SUBDIVISION, according to the plat thereof as recorded in Liber 16 of Plats, page 28, Oakland County Records, being more particularly described as follows: Beginning at the Southeast corner of said Lot 144; thence along the South line of said lot, 50 feet to the Southwest corner of said lot; thence North along the West line of said lot 2 feet; thence Easterly to the point of beginning.

PARCEL 3:
Lot 145, EXCEPT the West 50 feet thereof, of WOODCREST SUBDIVISION, according to the plat thereof as recorded in Liber 16 of Plats, page 28, Oakland County Records.

Tax ID Number: 25-16-378-024

Address: 411 Maxwell Avenue, Royal Oak, MI 48067

TITLE REPORT NOTES

Reference First American Title Insurance Company commitment number: 1015239, commitment date: July 17, 2024.

Schedule B, Part II - Exceptions:

Exceptions: 1, 4, 5, 6, 7, 11 and 13 refer to the ownership of the property and/or are not plottable.

2. Any facts, rights, interests, or claims that are not shown by the public records but that could be ascertained by making inquiry of persons in possession of the land.

3. Easements, encroachments, or claims thereof, not shown by the public records.

8. Covenants, conditions, restrictions and other provisions but omitting restrictions, if any, based on race, color, religion, sex, handicap, familial status or national origin as contained in instrument recorded in Liber 357, page 180, as to Parcel 1.

9. Covenants, conditions, restrictions and other provisions but omitting restrictions, if any, based on race, color, religion, sex, handicap, familial status or national origin as contained in instrument recorded in Liber 342, page 600, as to Parcel 3.

10. Covenants, conditions, restrictions and other provisions but omitting restrictions, if any, based on race, color, religion, sex, handicap, familial status or national origin as contained in instrument recorded in Liber 410, page 268, as to Parcel 2.

11. Covenants, conditions, restrictions and other provisions but omitting restrictions, if any, based on race, color, religion, sex, handicap, familial status or national origin as contained in instrument recorded in Liber 410, page 268, as to Parcel 2.

12. Rights of tenants, if any, under any unrecorded leases.

CERTIFICATE OF SURVEY

Certified to:

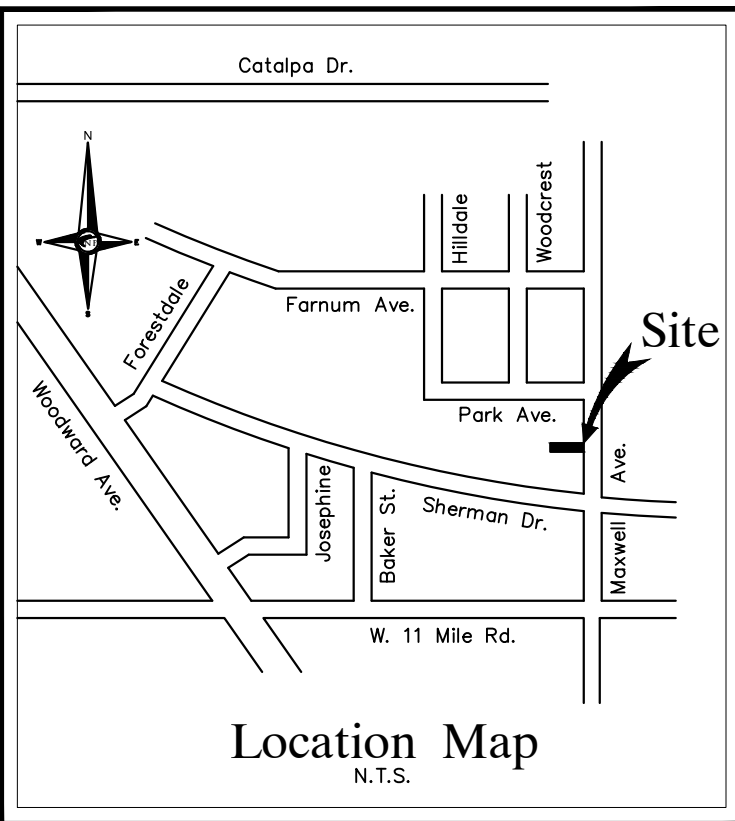
-Robertson in-Town Building Company, LLC, a Michigan limited liability company
-Harold S. Brickner and Grace E. Brickner, his wife
-Flagstar Bank, FSB, a federal savings bank, its successors and assigns
-First American Title Insurance Company

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and include items 2, 3, 4, 6(a), 6(b), 7(b)(1), 8, 9, 11(a), 13, 14, 16, 17, 18 and 19 of Table A thereof. The field work was completed on August 7, 2024.

Kevin Navaroli, P.S. No. 4001053503
Date of plot or map: 8-12-2024
Revised: 3-18-2025



Master Tree List							
Client Name:	Robertson Brothers Homes						
Job Number:	O303						
Job Location:	411 Maxwell Ave						
Date Completed:	8/5/2024						
<u>Condition Description Notes:</u>							
"Good" - no observed structural defects*							
"Fair" - minor structural defects, marginal form, some insect activity noted*							
"Poor" - major structural defects, poor form, insect infested*							
<i>*Structural defects may include decayed wood, cracks, root problems, weak branch unions cankers, poor tree architecture, dead/failed branches due to various causes.</i>							
<u>Tree #</u>	<u>Botanical Name</u>	<u>Common Name</u>	<u>Dia.</u>	<u>Type</u>	<u>Other Dia.</u>	<u>Condition</u>	<u>Comments</u>
525	Prunus spp	Ornamental Cherry	7			fair	unruly crown
526	Acer palmatum	Japanese Maple	8	multi	6,6,4	good	
527	Picea pungens	Blue Spruce	13			fair	growing near OH lines
528	Picea pungens	Blue Spruce	13			fair	growing near OH lines
529	Catalpa speciosa	Catalpa	12			fair	growing near OH lines
530	Catalpa speciosa	Catalpa	26			good	
531	Prunus spp	Ornamental Cherry	15	multi		fair	crown topped below OH lines
532	Prunus spp	Ornamental Cherry	15	multi		fair	crown topped below OH lines



SURVEY DATA

SITE AREA:
10,141 SQUARE FEET OR 0.23 ACRES

ZONED:
ONE FAMILY DISTRICT (RESIDENTIAL)

A SURVEYOR CANNOT MAKE A CERTIFICATION ON THE BASIS OF AN INTERPRETATION OR OPINION OF ANOTHER PARTY. A ZONING ENDORSEMENT LETTER SHOULD BE OBTAINED FROM THE CITY OF ROYAL OAK, TO INSURE CONFORMITY AS WELL AS MAKE A FINAL DETERMINATION OF THE REQUIRED BUILDING SETBACK REQUIREMENTS.

ALTA SURVEY NOTES

THERE IS NO VISIBLE EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.

THERE IS NO PROPOSED CHANGES IN STREET RIGHT OF WAY LINES AND THERE IS NO EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIR.

THERE IS NO VISIBLE EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.

LOCATION OF UTILITIES EXISTING ON OR SERVING THE PROPERTY AS DETERMINED BY: OBSERVED EVIDENCE OR EVIDENCE FROM PLANS REQUESTED BY THE SURVEYOR AND OBTAINED FROM UTILITY COMPANIES.

THE SUBJECT PROPERTY HAS ACCESS TO MAXWELL AVENUE, BEING A PUBLICLY DEDICATED ROAD.

BASIS OF BEARING NOTE

ALL BEARINGS ARE IN RELATION TO THE PREVIOUSLY ESTABLISHED WEST RIGHT-OF-WAY LINE OF MAXWELL AVENUE (66' WIDE) OF WOODCREST SUBDIVISION AS RECORDED IN LIBER 16 OF PLATS, PAGE 28, OAKLAND COUNTY RECORDS. (N.00°51'E.)

DTE DISCLAIMER NOTE

PLEASE NOTE THAT DTE HAS NEW REGULATIONS THAT MAY IMPACT DEVELOPMENT OUTSIDE THEIR EASEMENT OR THE PUBLIC RIGHT OF WAY. CLIENT SHALL CONTACT DTE TO DETERMINE THE "NEW" STRUCTURES AND POWER LINE REQUIREMENTS AS THEY MAY APPLY TO ANY FUTURE BUILDING OR RENOVATION OF A STRUCTURE. DTE ENERGY CAN BE CONTACTED AT 800-477-4747

FLOOD HAZARD NOTE

ACCORDING TO THE F.E.M.A. FLOOD MAP SERVICE CENTER, THE PROPERTY DESCRIBED ON THIS SURVEY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY. THE PROPERTY LIES WITHIN COMMUNITY NUMBER 260178, PANEL NO.: 26125C06B2F, DATED 9/29/2006. SAID PANEL IS NOT PRINTED AND IS INDICATED AS BEING A NO SPECIAL FLOOD HAZARD AREA.

MISS DIG / UTILITY DISCLAIMER NOTE

A MISS DIG TICKET NUMBER 202408020362, PURSUANT TO MICHIGAN PUBLIC ACT 174 WAS ENTERED FOR THE SURVEYED PROPERTY. DUE TO THE EXTENDED REPORTING PERIOD FOR UNDERGROUND FACILITY OWNERS TO PROVIDE THEIR RECORDS, THE SURVEY MAY NOT REFLECT ALL THE UTILITIES AT THE TIME THE SURVEY WAS ISSUED ON AUGUST 12, 2024. THE SURVEY ONLY REFLECTS THOSE UTILITIES WHICH COULD BE OBSERVED BY THE SURVEYOR IN THE FIELD OR AS DEPICTED BY THE UTILITY COMPANY RECORDS FURNISH PRIOR TO THE DATE THIS SURVEY WAS ISSUED. THE CLIENT AND/OR THEIR AUTHORIZED AGENT SHALL VERIFY WITH THE FACILITY OWNERS AND/OR THEIR AUTHORIZED AGENTS, THE COMPLETENESS AND EXACTNESS OF THE UTILITIES LOCATION.

TOPOGRAPHIC SURVEY NOTES

ALL ELEVATIONS ARE EXISTING ELEVATIONS, UNLESS OTHERWISE NOTED.

UTILITY LOCATIONS WERE OBTAINED FROM MUNICIPAL OFFICIALS AND RECORDS OF UTILITY COMPANIES, AND NO GUARANTEE CAN BE MADE TO THE COMPLETENESS, OR EXACTNESS OF LOCATION.

LEGEND

MANHOLE(MH)	EXISTING SANITARY SEWER
CO	EXISTING SAN. CLEAN OUT
HYDRANT(HYD)	GATE VALVE(GVW)
MANHOLE(MH)	EXISTING WATER MAIN
CATCH BASIN(CB)	EXISTING STORM SEWER
CBB	EX. BEEHIVE CATCH BASIN
UTILITY POLE GUY POLE	EX. UNDERGROUND (UG) CABLE
UP	OVERHEAD (OH.) LINES
LP	LIGHT POLE
+	SIGN
	EXISTING GAS MAIN
ASPH.	ASPHALT
CONC.	CONCRETE
FD. / FND.	FOUND
RET. WALL	RETAINING WALL
R.O.W.	RIGHT-OF-WAY
SPK	SET PK NAIL
(TYP)	TYPICAL
(R)	RECORD
(M)	MEASURED
C/L	CENTERLINE
P/L	PROPERTY LINE
GM	GAS METER
EM	ELECTRIC METER
LS	LANDSCAPE
DS	DOWNSPOUT
GP	GUARD POST
IB	IRRIGATION BOX

NOWAK & FRAUS ENGINEERS
46777 WOODWARD AVE.
PONTIAC, MI 48342-5032
TEL. (248) 332-7931
FAX. (248) 332-8257
WWW.NFE-ENGR.COM

SEAL

PROJECT

411 Maxwell Ave.
Royal Oak, MI 48067

CLIENT

Robertson Brothers Homes

Contact: Darian Neubecker
Phone: 248.282.1430

Email:

neubecker@robertsonhomes.com

PROJECT LOCATION

Part of the SW 1/4
of Section 16
T.1N., R.11E.,
City of Royal Oak,
Oakland County, Michigan

SHEET

ALTA/NSPS Land Title /
Topographic / Tree Survey



Know what's below
Call before you dig.

DATE ISSUED/REVISED

08-12-24 SURVEY ISSUED
08-20-24 REVISED PER SURVEYOR
03-18-25 REVISED BUILDING LINES

DRAWN BY:

M. Carnaghi

DESIGNED BY:

APPROVED BY:

K. Navaroli

DATE:

August 12, 2024

SCALE: 1" = 20'

20 10 0 10 20 30

NFE JOB NO.

0303

SHEET NO.

1 of 1

TIN, R11E, SEC 16 WOODCREST SUB PART OF LOT 143 BEG AT SE
LOT COR TH W 50 FT TO SW 1/4 LOT COR TH NE 1/4 29.05 FT TO PT

SCALE: 1/16" = 1'-0"

SCALE: N.T.S.



SCALE: $\frac{1}{4}" = 1'-0"$



SCALE: $\frac{1}{8}'' = 1'-0''$



SCALE: $\frac{1}{8}'' = 1'-0''$

Seal:



Revisions:

Project Name:
411 N

BRAD HOLDER
TRADEMARKLUXURYHOMES@GMAIL.COM

Sheet Title:

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Date: 01/06/2025
Drawn by: MMC

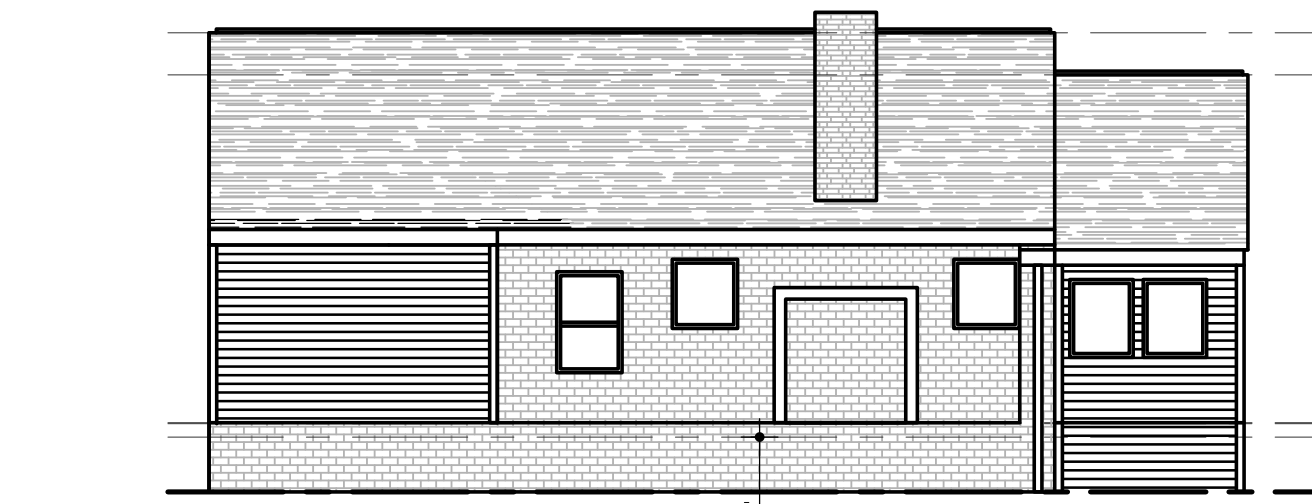
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Sheet Number:

A-1.0



SCALE: $\frac{1}{4}" = 1'-0"$



EXISTING SIDE (NORTH) ELEVATION

SCALE: 1/8" = 1'-0"



EXISTING BACK (SOUTH) ELEVATION

SCALE: 1/8" = 1'-0"



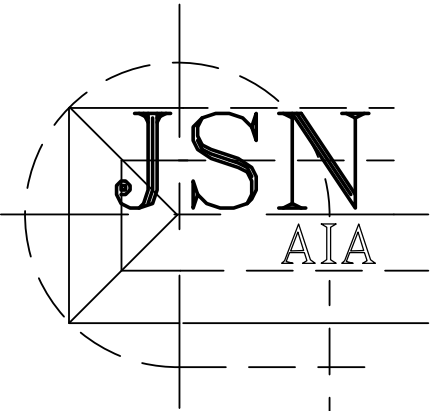
PROPOSED SIDE (SOUTH) ELEVATION

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



PROPOSED SIDE (NORTH) ELEVATION

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



Joseph S. Novitsky
Architecture
3856 12 Mile Road
Berkley, MI 48072
(248) 433-2030

Seal:



Revisions:

DATE	DESCRIPTION
01/06/2025	EXISTING CONDITIONS
2/6/2025	REVIEW
2/13/2025	REVIEW
2/17/2025	REVIEW
2/21/2025	REVIEW
2/25/2025	REVIEW
3/03/2025	REVIEW

Project Name:
411 MAXWELL AVE
ROYAL OAK MI, 48067

OWNER:
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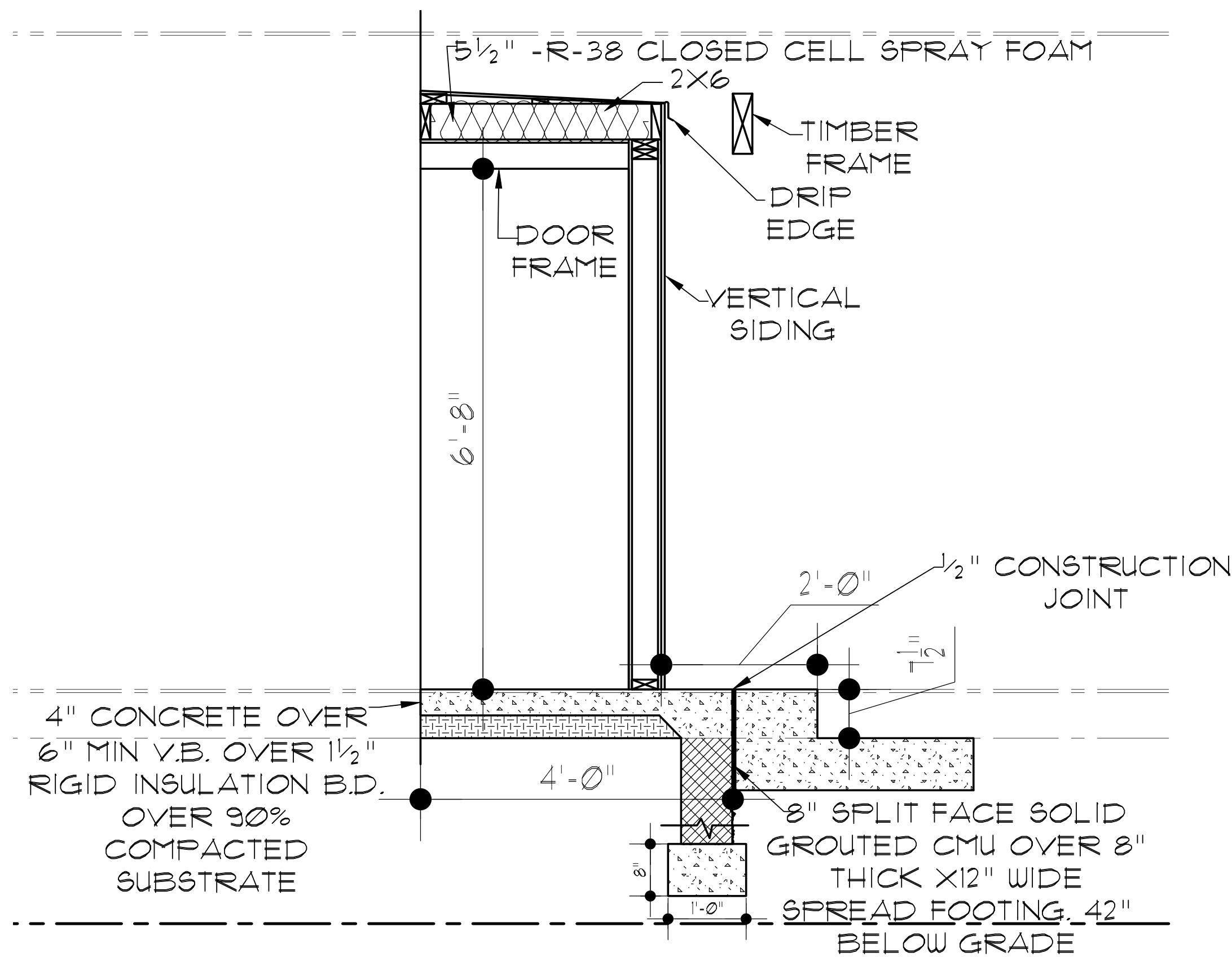
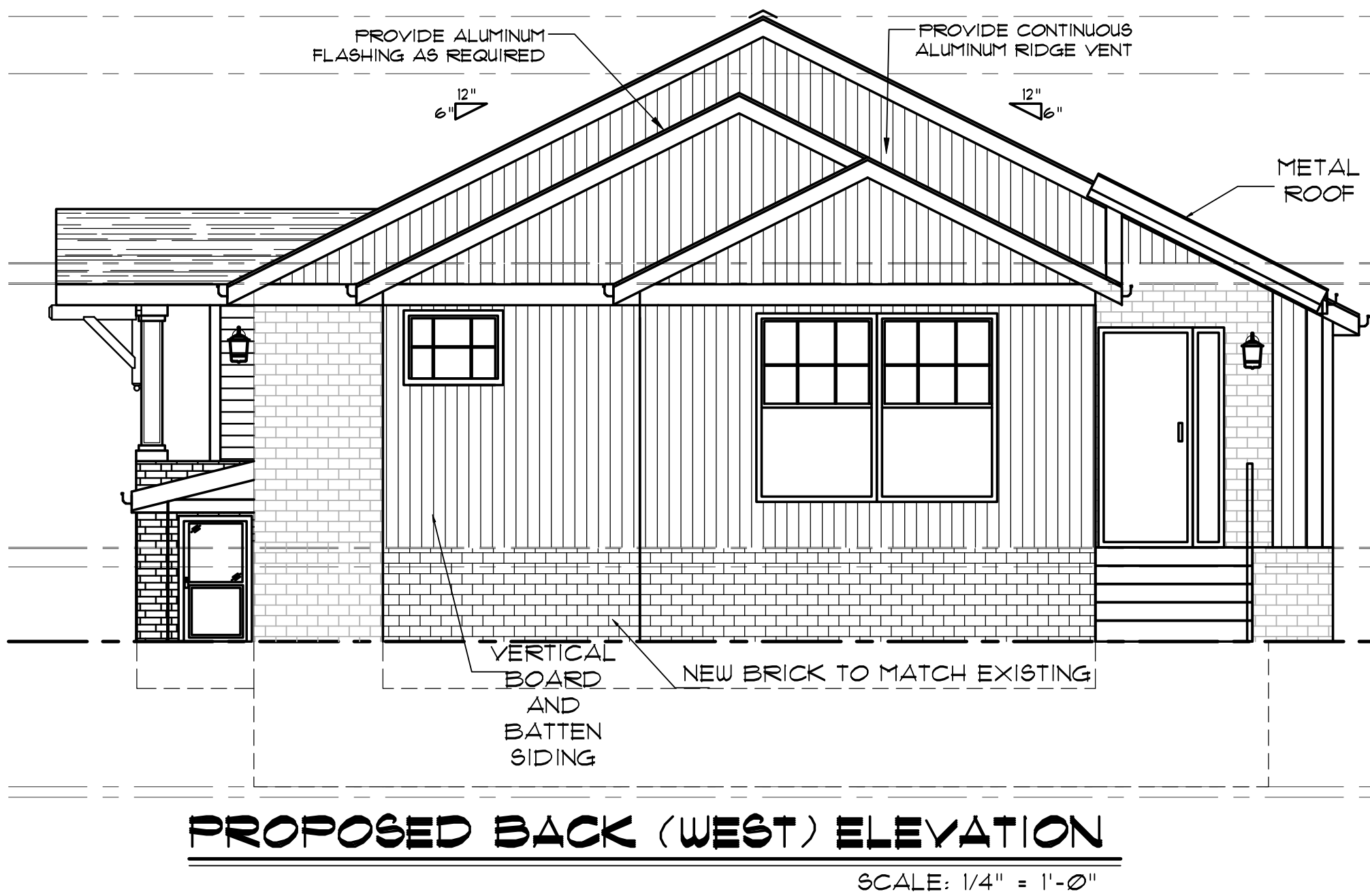
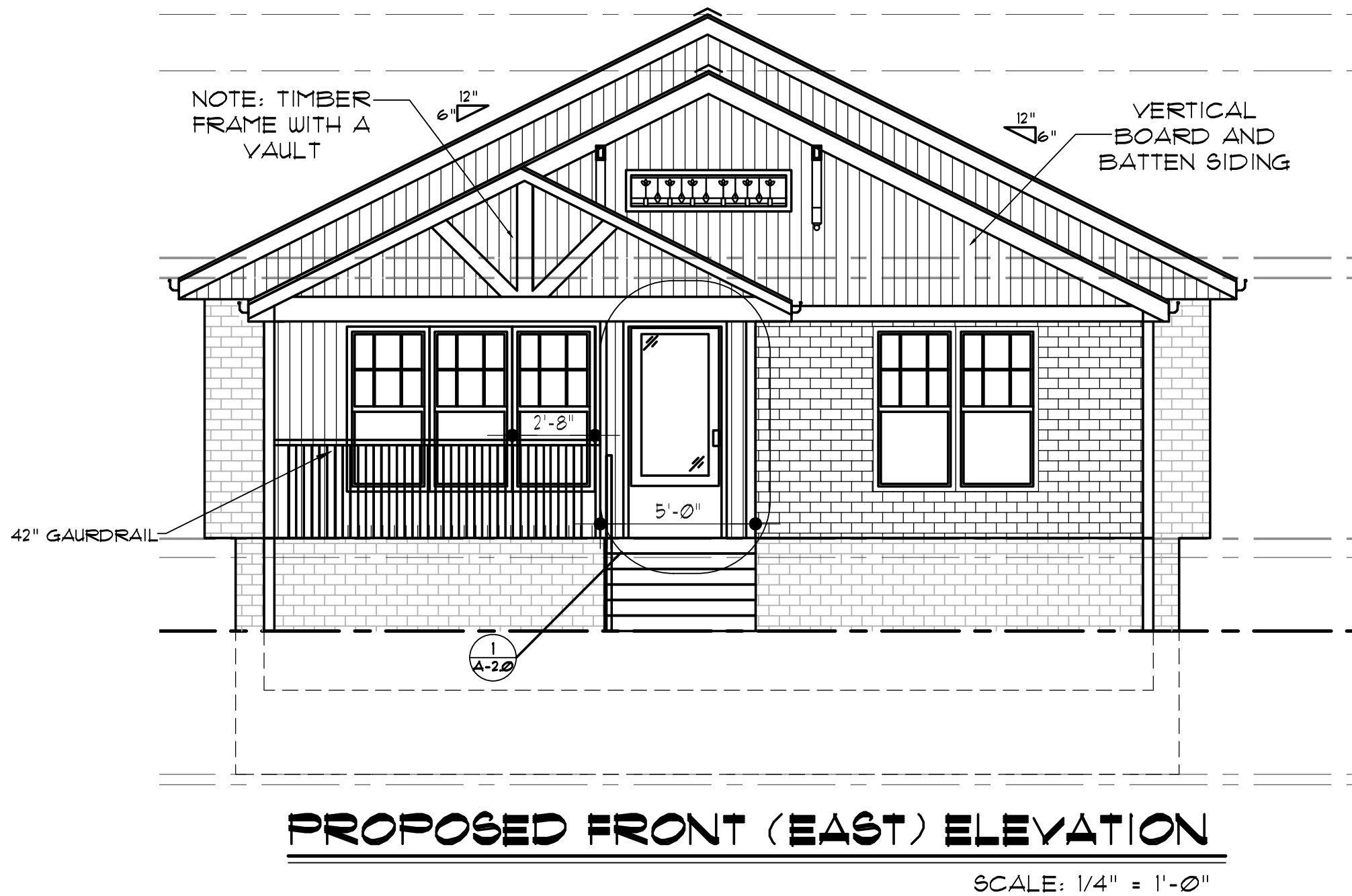
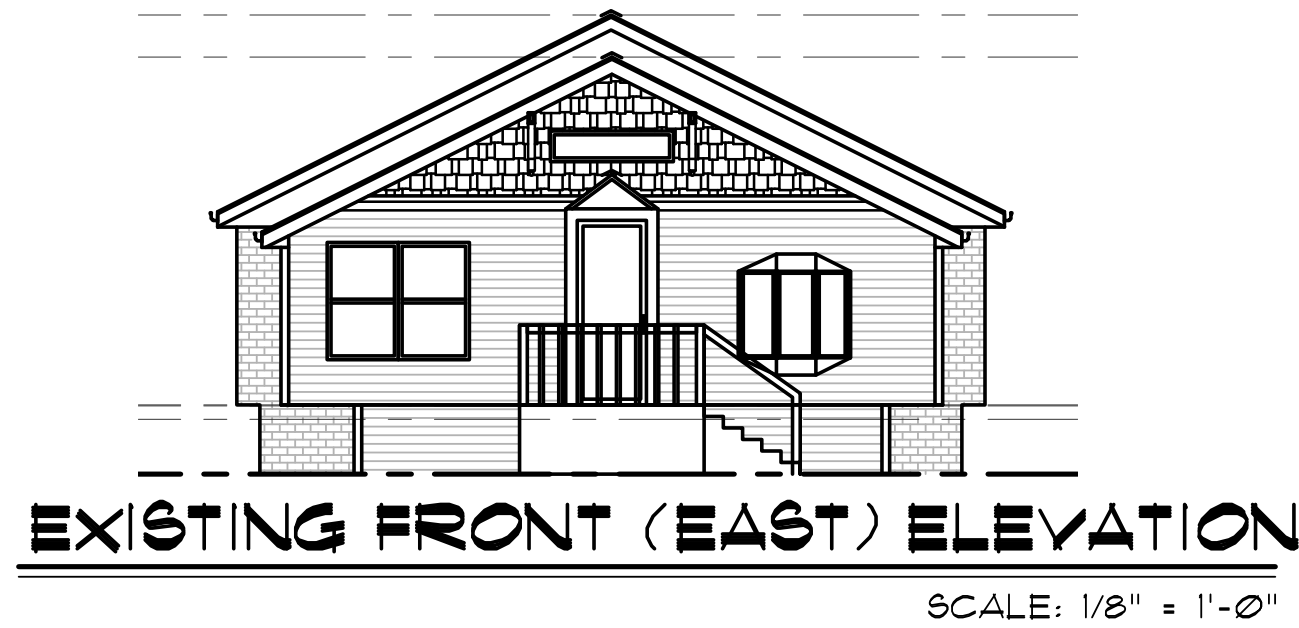
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Drawn by: MMC

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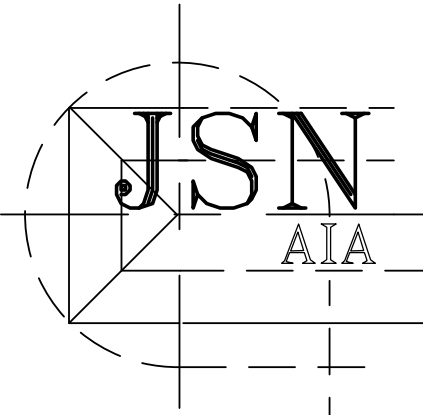
2024-141

Sheet Number:

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1
A-2.0
DETAIL
SCALE: 3/4" = 1'-0"



Joseph S. Novitsky
Architecture
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Berkley, MI 48072
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Seal:



Revisions:

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2/21/2025	REVIEW
2/24/2025	REVIEW
2/28/2025	REVIEW
3/03/2025	REVIEW

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ROYAL OAK MI, 48067
OWNER:
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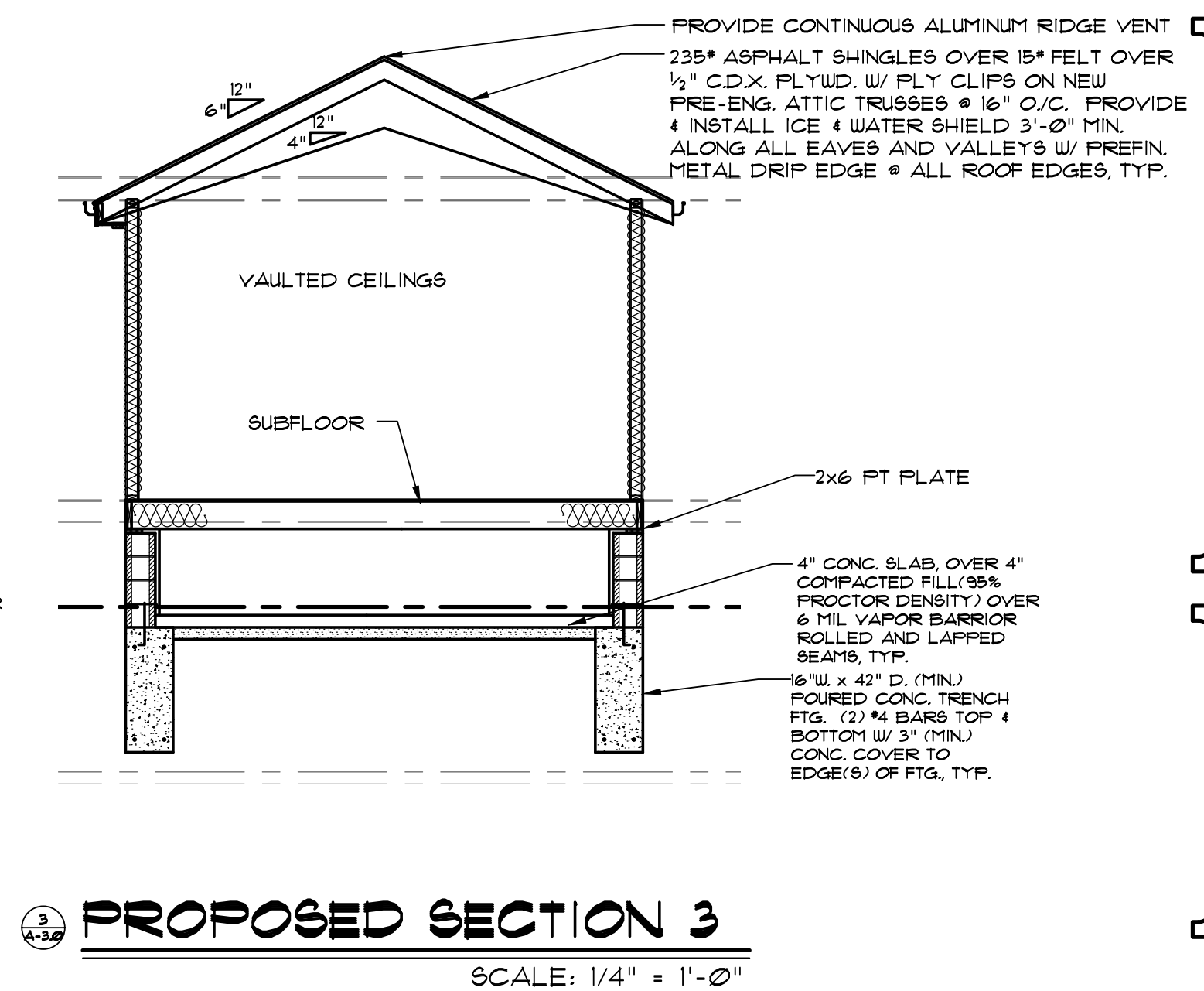
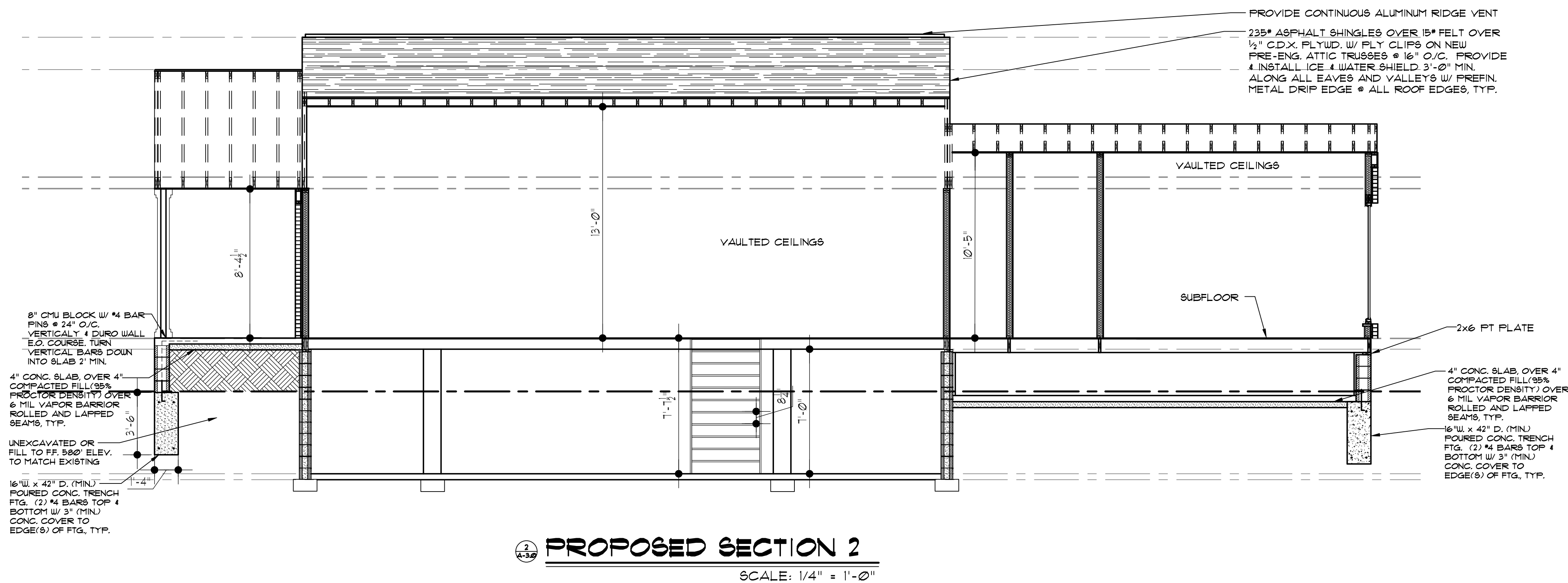
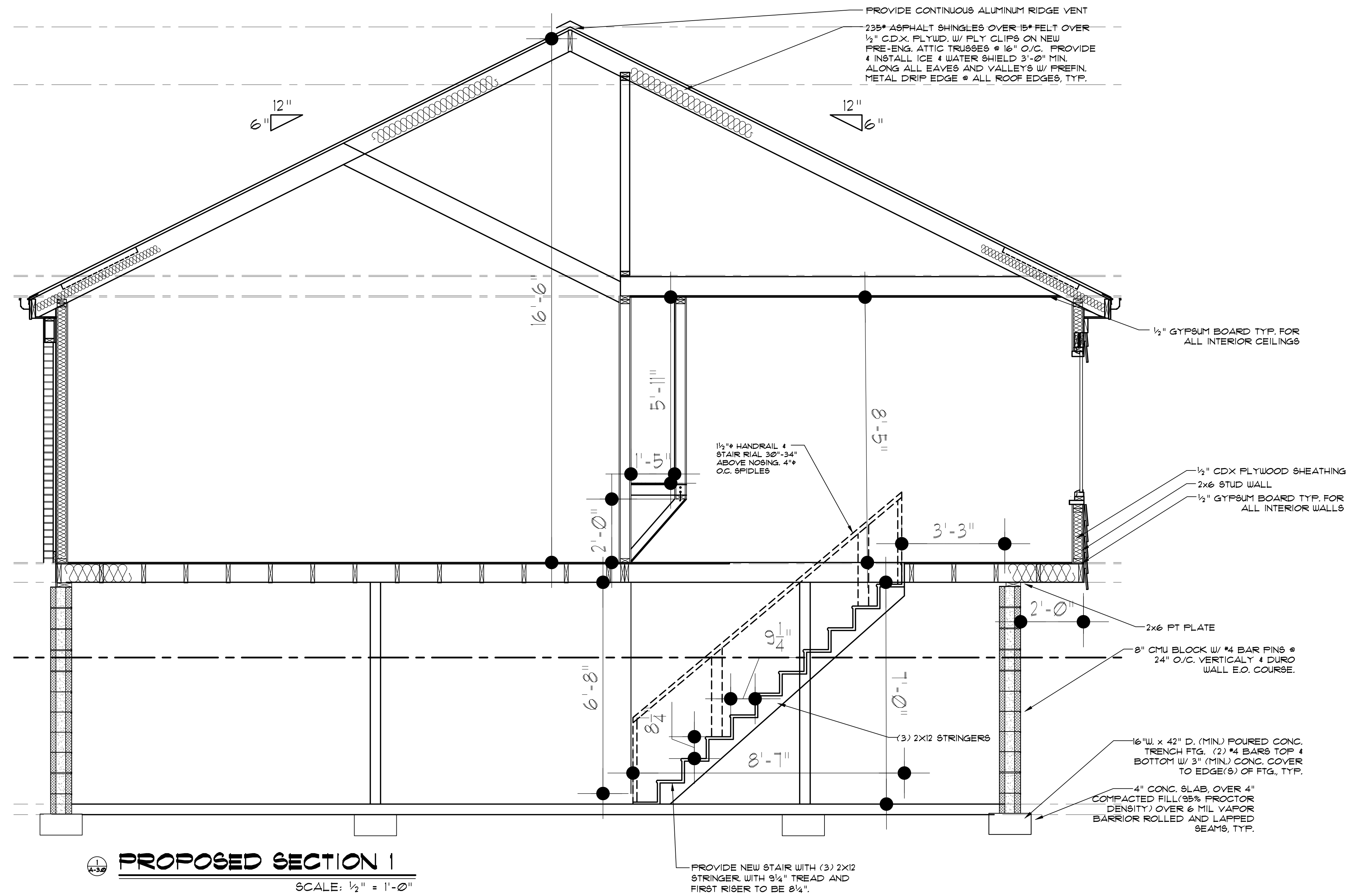
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2024-141

Sheet Number:

A-2.0



JSN
AIA

Joseph S. Novitsky
Architecture
3856 12 Mile Road
Berkley, MI 48072
(248) 433-2030

Seal:



Revisions:

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2/17/2025	REVIEW
2/27/2025	REVIEW
3/13/2025	REVIEW
3/20/2025	REVIEW

Project Name:

411 MAXWELL AVE
ROYAL OAK, MI 48067

OWNER:
BRAD HOLDER
TRADEMARKLUXURYHOMES@GMAIL.COM

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Project Number:
2024-141

Sheet Number:
A-3.0

411 Maxwell Avenue, Royal Oak, MI

Dear Board Members,

Our goal is to breathe life back into this home that has stayed within a family for generations. 411 Maxwell Avenue was Dahn Brickner's childhood home. He & his wife, Karen Brickner, are looking to keep the home within the family for the foreseeable future. Our plan is to redesign the floorplan and exterior to create a beautiful and functional forever home.

Currently, the existing front porch / sunroom is encroaching on the front yard setback. We are seeking a variance to allow us to have the existing footprint of the sunroom remain where it is located on the property. Our goal is to create an open front porch with a timber framed cover & a conditioned home office. We do not plan to increase the footprint of the home in the front yard anymore than it was previously. As it stands today, the neighboring property has a similar situation as well.

We are hoping that you will grant us this variance as we will keep the original architectural integrity of the home intact, and provide a new life for our client's childhood home. Dahn & Karen will plan to attend the upcoming board meeting.

Thank you,

- Trademark Building Company