

**Zoning Board of Appeals  
February 23, 2022 Regular Meeting**

**STAFF REPORT**

**Subject: ZBA 22-004; 1448 Harpst Street**

**Summary:**

Timothy Risk, representing property owner, is requesting a two foot eight inch variance from Sections 5.18.1(4) Front Porches and Section 5.18.5 Averaging an Established Front Building Line in order to construct a new covered front porch. The new front porch will be approximately 77 square feet in size and does not meet the average front setback of 33 feet 9 inches. The property is zoned R1D, Single-Family Residential.

**Background:**

The subject property is located on the south side of Harpst Street west of Packard Street in the Bryant Pattengill neighborhood. The home was built in 1927 and is approximately 1,200 square feet in size.

**Description:**

The owners plan on demolishing the existing stoop and replacing with a new covered front porch that will provide safety and enhance the architecture of the home.

**Standards for Approval- Variance**

The Zoning Board of Appeals has all the power granted by State law and by Section 5.29.12, Application of the Variance Power from the UDC. The following criteria shall apply:

- (a). *That the practical difficulties are exceptional and peculiar to the property of the person requesting the variance and result from conditions which do not exist generally throughout the City.***

The adjacent property to the west was built towards the rear of the property at a much greater distance than the other homes being averaged. This has created a difficult situation to construct a usable porch and therefore a variance is needed.

- (b). *That the practical difficulties will result from a failure to grant the variance, include substantially more than mere inconvenience, inability to attain a higher financial return, or both.***

The owner states that failure to grant the variance will result in insufficient entrance depth for a functional front porch. If the porch cannot be built it will result in detrimental habitability and desirability and will be difficult to enact design considerations.

- (c). *That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this Chapter, the individual hardships that will be suffered by a failure of the Board to grant a variance, and the rights of others whose property would be affected by the***

***allowance of the variance.***

If the variance is granted the porch will enable an addition that increases the function and appearance of the home.

- (d). ***That the conditions and circumstances on which the variance request is based shall not be a self-imposed hardship or practical difficulty.***

The applicant states that if the porch cannot be constructed as planned a rebuild of the existing stoop would not enhance or add character to the home.

- (e). ***A variance approved shall be the minimum variance that will make possible a reasonable use of the land or structure.***

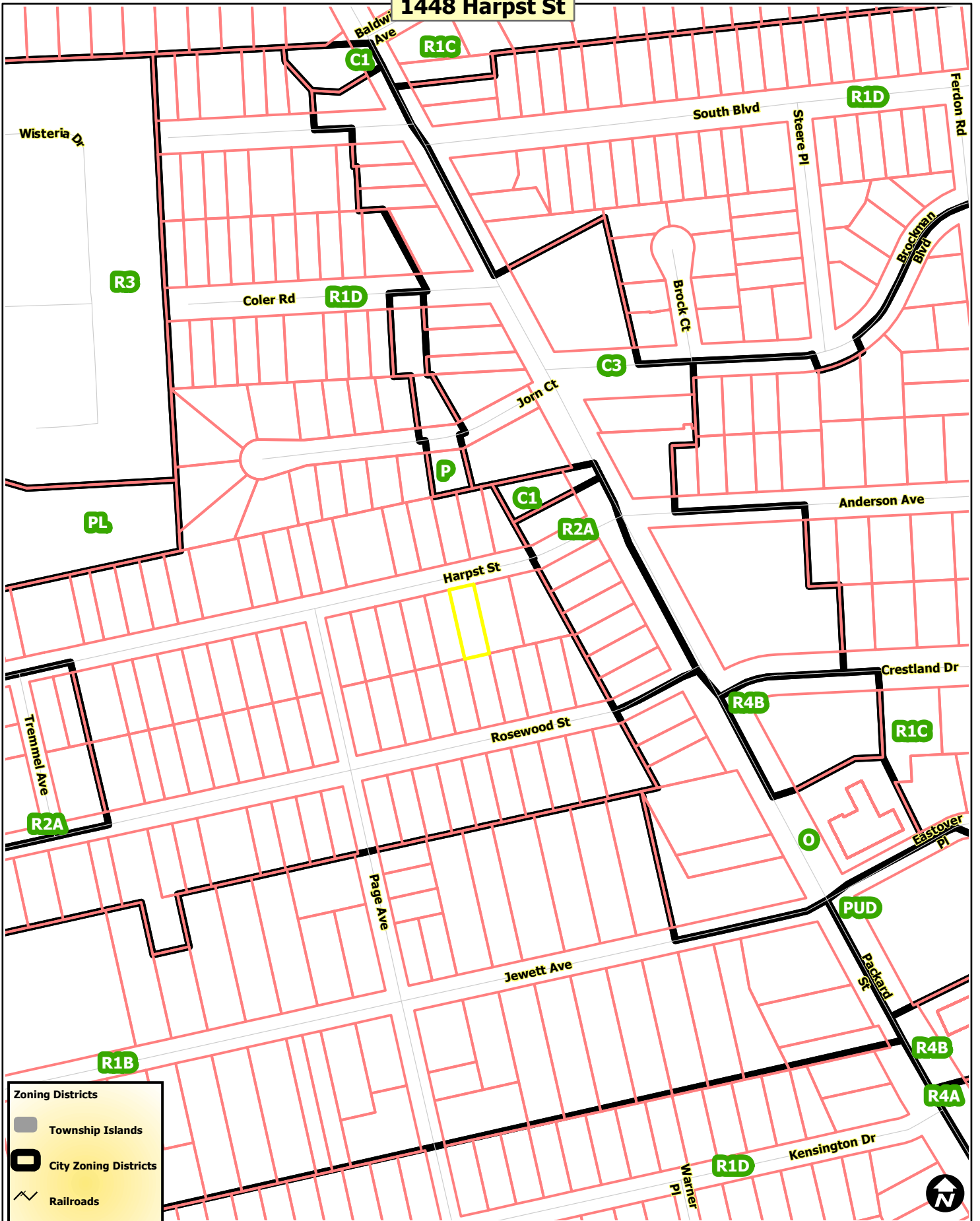
The variance requested is the minimum needed to construct a porch that will enhance the appearance of the home and will preserve the character of the residence. The porch will not have negative impacts to surrounding properties.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jon Barrett". The signature is stylized with loops and a cursive-like flow.

**Jon Barrett**  
**Zoning Coordinator**

# 1448 Harpst St



**Zoning Districts**

- Township Islands
- City Zoning Districts
- Railroads
- Huron River
- Tax Parcels



Map date: 2/2/2022  
Any aerial imagery is circa 2020 unless otherwise noted  
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# 1448 Harpst St






- Railroads
- Huron River
- Tax Parcels

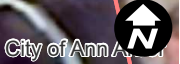


Map date: 2/2/2022  
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1448 Harpst St

Harpst St

-  Railroads
-  Huron River
-  Tax Parcels



Map date: 2/2/2022  
Any aerial imagery is circa 2020 unless otherwise noted  
Terms of use: [www.a2gov.org/terms](http://www.a2gov.org/terms)

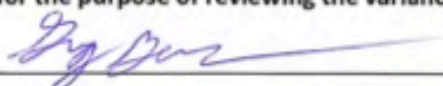


# ZONING BOARD OF APPEALS APPLICATION

City of Ann Arbor Planning Services

City Hall: 301 E Huron Street Ann Arbor, MI 48107-8647

Phone: 734-794-6265 Fax: 734-794-8460 Email: [planning@a2gov.org](mailto:planning@a2gov.org)

| PROPERTY INFORMATION  |  |   |                   |
|---|--|---|-------------------|
| ADDRESS OF PROPERTY<br>1448 Harpst Street   |  | ZIP CODE<br>48104   |                   |
| ZONING CLASSIFICATION<br>R1D  | NAME OF PROPERTY OWNER *If different than applicant, a letter of authorization from the property owner must be provided<br>Greg & Tracy Berman |   |                   |
| PARCEL NUMBER<br>09-12-04-118-020   | OWNER EMAIL ADDRESS<br>tradiasa@umich.edu  |   |                   |
| APPLICANT INFORMATION   |  |   |                   |
| NAME<br>Timothy Risk  |  |   |                   |
| ADDRESS<br>3250 W. Liberty  | CITY<br>Ann Arbor  | STATE<br>MI   | ZIP CODE<br>48103 |
| EMAIL<br>timrisk@homewithmeadowlark.com   |  | PHONE<br>734-891-1416   |                   |
| APPLICANT'S RELATIONSHIP TO PROPERTY<br>Architect   |  |   |                   |
| REQUEST INFORMATION   |  |   |                   |
| <input checked="" type="checkbox"/> VARIANCE REQUEST<br>Complete Section 1 of this application  |  | <input type="checkbox"/> REQUEST TO ALTER A NONCONFORMING STRUCTURE<br>Complete Section 2 of this application |                   |
| REQUIRED MATERIALS  |  | OFFICE USE ONLY   |                   |
| One hard copy application complete with all required attachments must be submitted. Digital copies of supportive materials included in the submitted hard copy will only be accepted in PDF format by email or accompanying the hard copy application on a USB flash drive.<br><b>Required Attachments:</b><br><input checked="" type="checkbox"/> Boundary Survey of the property including all existing and proposed structures, dimensions of property, and area of property.<br><input checked="" type="checkbox"/> Building floor plans showing interior rooms, including dimensions.<br><input checked="" type="checkbox"/> Photographs of the property and any existing buildings involved in the request. |  | Fee Paid: _____ ZBA: _____<br><br>DATE STAMP  |                   |
| ACKNOWLEDGEMENT   |  |   |                   |
| All information and materials submitted with this application are true and correct.<br><br>Permission is granted to City of Ann Arbor Planning Services and members of the Zoning Board of Appeals to access the subject property for the purpose of reviewing the variance request.  |  |   |                   |
| Property Owner Signature: <u></u>  |  | Date: <u>1-19-22</u>  |                   |

# Section 1 City of Ann Arbor Planning Services – Zoning Board of Appeals Application

## VARIANCE REQUEST

ARTICLE(S) AND SECTION(S) FROM WHICH A VARIANCE IS REQUESTED: (Example: Article 3, Section 5.26)  
Article 4, Section 5.18.1.4, Section 5.18.5

REQUIRED DIMENSION: (Example: 40' front setback)  
Feet: 33 Inches: 9 Front setback

PROPOSED DIMENSION: (Example: 32 foot 8 inch front setback )  
Feet: 31 Inches: 1 Front setback

### DESCRIPTION OF PROPOSED WORK AND REASON FOR VARIANCE:

Proposed work includes the demolition of an existing front stoop and the addition of a covered front porch. Due to the building's location on the parcel and the zoning setbacks established by the average front setback there is not enough space to add any amount of usable space to the front of the building. The variance is requested to enable a front porch addition that is usable, safe and enhances the architecture of the property and surrounding homes.

**The City of Ann Arbor Zoning Board of Appeals has the powers granted by State law and City Code Chapter 55, Section 5:29. A variance may be granted by the Zoning Board of Appeals only in cases involving practical difficulties or unnecessary hardships when all of the following statements are found to be true. Please provide a complete response to each of the statements below.**

The alleged practical difficulties are exceptional and peculiar to the property of the Person requesting the variance, and result from conditions that do not exist generally throughout the City.

The existing front average setback requirement for the property is based on one house to the west which was built exceptionally far back from the front property line. Much further than the normal average setback for the entire block. The requirement to use the 2 adjacent properties to establish the average puts our property at an extreme disadvantage.

The alleged practical difficulties that will result from a failure to grant the variance, include substantially more than mere inconvenience, inability to attain a higher financial return, or both.

Failure to grant the variance will result in inefficient entrance space, significant restraint in any attempt to enhance the building, and stagnant design of the existing building compared to its community. These impacts weaken both the property's habitability and desirability, and make it more difficult to enact efficient design considerations for the property owner.

Allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this chapter, the practical difficulties that will be suffered by a failure of the Board to grant a variance, and the rights of others whose property would be affected by the allowance of the variance.

Allowing the variance will enable us to plan the addition such that the architecture greatly increases the function and appearance of the existing home. We will be able to preserve the character of the community without causing the building to become an outlier.

The conditions and circumstances on which the variance request is based shall not be a self-imposed practical difficulty.

The addition of a front porch within the narrow prescribed average setback on this site would be impossible, limiting the option of improvement to only rebuild the currently existing stoop which does not add function or character to the building.

A variance approved shall be the minimum variance that will make possible a reasonable use of the land or structure.

The provisions of the variance will give us the opportunity to enhance the functionality and appearance of the current building, allow for continuity of the character of the existing architecture and provide the minimum space to reasonably accommodate the new front porch.

# Section 2 City of Ann Arbor Planning Services – Zoning Board of Appeals Application

## REQUEST TO ALTER A NONCONFORMING STRUCTURE

For the purposes of Article VI: Nonconformities Section 5.32.2 Nonconforming Structure, **alteration** is defined as any change in a Building that results in additional Floor Area being fit for occupancy, a greater number of dwelling or rooming units or an increase in the exterior dimensions of the Building.

**A nonconforming structure may be maintained or restored, but permission to alter a nonconforming structure will only be approved by the Zoning Board of Appeals upon finding that it complies as nearly as practicable with the requirements of this Chapter and that it will not have a detrimental effect on neighboring property.**

**In the space below, describe the current use of the property, the proposed alteration, and the impact it would have on neighboring property.**

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Please complete the table below as it relates to your request

| Requirement      | Existing Condition | Code Requirement |
|------------------|--------------------|------------------|
| Lot Area         |                    |                  |
| Lot Width        |                    |                  |
| Floor Area Ratio |                    |                  |
| Setbacks         |                    |                  |
| Parking          |                    |                  |
| Landscaping      |                    |                  |
| Other            |                    |                  |
|                  |                    |                  |
|                  |                    |                  |





January 14, 2022

Re: Authorization of Designated Agent

To Whom It May Concern:

I have designated Meadowlark Builders LLC as my agent for all matters relating to obtaining/securing permits and inspections, as required, for the interior remodeling project at:

1448 Harpst St.  
Ann Arbor, MI 48104

Thank you,

  
\_\_\_\_\_  
Homeowner Signature

1-19-21  
\_\_\_\_\_  
Date

Greg Berman  
\_\_\_\_\_  
Homeowner Printed Name

1-19-21  
\_\_\_\_\_  
Date

To the Ann Arbor Board of Zoning Appeals,

We, Molly Kleinman and Pieter Kleymeer, the neighbors of Greg and Tracy Berman at [1448 Harpst St.](#), would like to express our support for their proposed front porch addition. We actively support their plans, and have no objection to the project or it's encroachment on the average front setbacks. We live directly across the street from the Bermans at [1447 Harpst St.](#) and have spent many hours looking at their front steps. We can assure you that approving this variance would enhance the property's design and our neighborhood.

Sincerely,  
Molly Kleinman and Piet Kleymeer



Existing conditions of the Berman residence











Existing Home to the West (dark blue) with largest setback on street





View of opposite side of the street



Street view of neighboring homes

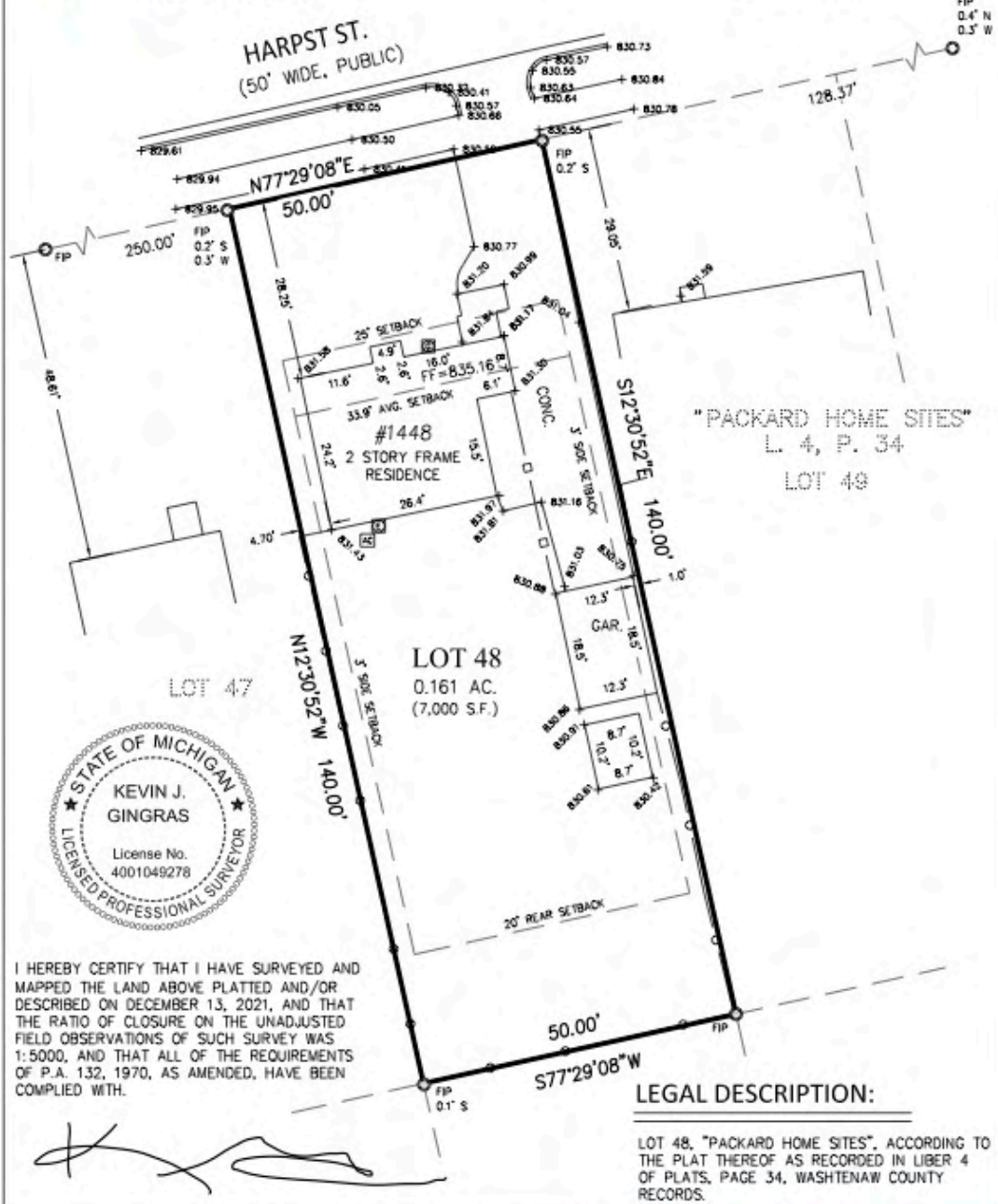


**NOTE:**

BEARINGS BASED ON MICHIGAN STATE PLANE COORDINATES, SOUTH ZONE, NAD '83

**CERTIFICATE OF SURVEY**

NOTE: DIMENSIONS ARE TO FACE OF EXTERIOR SIDING



I HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE LAND ABOVE PLATTED AND/OR DESCRIBED ON DECEMBER 13, 2021, AND THAT THE RATIO OF CLOSURE ON THE UNADJUSTED FIELD OBSERVATIONS OF SUCH SURVEY WAS 1:5000, AND THAT ALL OF THE REQUIREMENTS OF P.A. 132, 1970, AS AMENDED, HAVE BEEN COMPLIED WITH.

*[Handwritten Signature]*

**LEGAL DESCRIPTION:**

LOT 48, "PACKARD HOME SITES", ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 4 OF PLATS, PAGE 34, WASHTENAW COUNTY RECORDS.

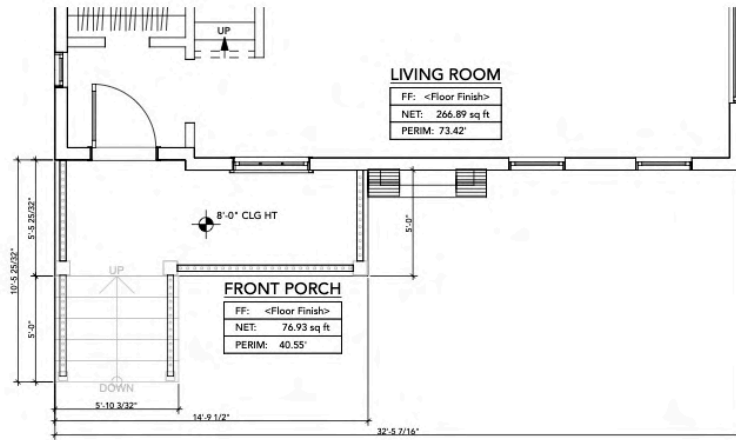
CLIENT: MEADOWLARK DESIGN BUILD

|   |                 |
|---|-----------------|
| <b>BOUNDARY SURVEY</b>  |                 |
| #1448 HARPST<br>IN THE N 1/2 OF<br>SECTION 4, T3S, R6E<br>CITY OF ANN ARBOR,<br>WASHTENAW COUNTY,<br>STATE OF MICHIGAN. |                 |
| <b>LEGEND:</b>  |                 |
|   | SECTION CORNER  |
|   | FOUND IRON PIPE |
|   | FOUND IRON ROD  |
|   | FOUND MAG NAIL  |
|   | FOUND MONUMENT  |
|   | SET IRON PIPE   |
|   | SET WOOD LATH   |
|   | RECORDED        |
|   | CALCULATED      |



6653 Schneider Rd. • Manchester, MI • 48158  
(734) 669-2960 • arborlandinc.com

|                 |                 |                  |
|-----------------|-----------------|------------------|
| SCALE: 1" = 20' | JOB NO.: 19021  | DATE: 12-13-2021 |
|                 | FLD. BOOK: 21-2 | REVISED: -       |
|                 | SHEET 1 OF 1    | BY: KJG          |



ACTUAL PROPERTY LINE AFTER SURVEY

SIDEWALK

**NOT FOR CONSTRUCTION**

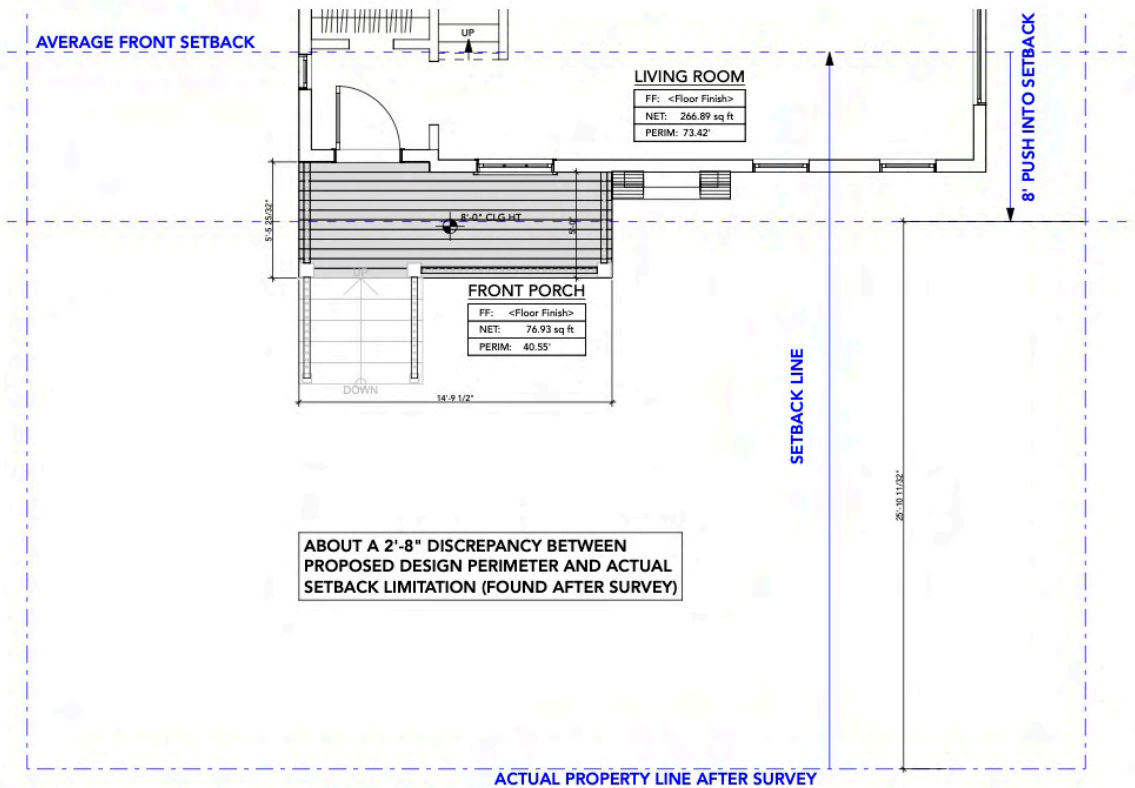
**Main Floor Plan**

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

1



|   |                 |  |  |
|---|-----------------|--|--|
| <b>MEADOWLARK</b>   |                 | 3250 West Liberty, Ann Arbor, MI 48103<br>Office: 734.332.1500 |  |
| <b>Greg + Tracy Berman</b><br>1448 Harpst Street<br>Ann Arbor, MI 48104 |                 |  |  |
| <b>Main Floor Plan Design</b>   |                 | NOT FOR CONSTRUCTION   |  |
| PROJECT #:  | PROJECT STATUS: | PRINT DATE:  |  |
| <Proj. #>   | <Project Phase> | 1/19/22  |  |
| DRAWN BY:   |                 |  |  |
| DESC:   | DATE:           |  |  |
| DD:   |                 |  |  |
| PERMIT:   |                 |  |  |
| 50% CD:   |                 |  |  |
| 100% CD:  |                 |  |  |
| <b>A1.07</b>  |                 | K.E. B. 06   |  |



ABOUT A 2'-8" DISCREPANCY BETWEEN PROPOSED DESIGN PERIMETER AND ACTUAL SETBACK LIMITATION (FOUND AFTER SURVEY)

SIDEWALK

**NOT FOR CONSTRUCTION**

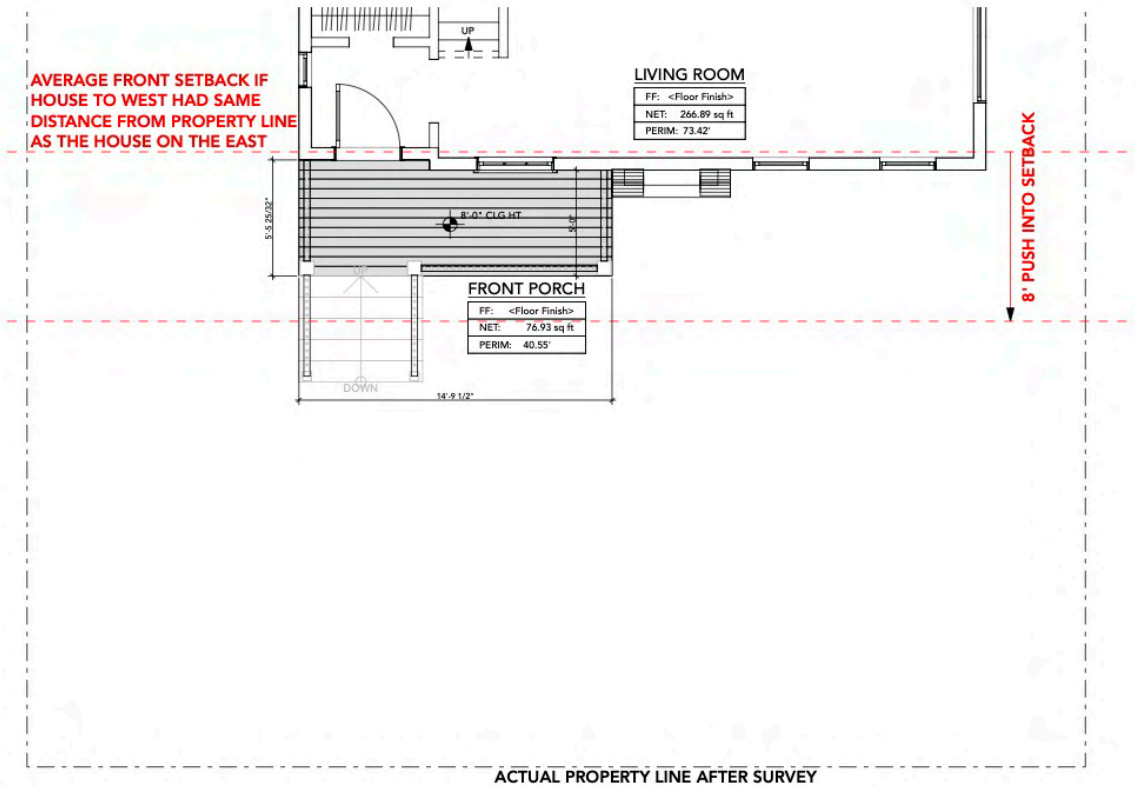
**Main Floor Plan**

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

1



|   |                                    |
|---|------------------------------------|
| DOC #   |                                    |
| <b>MEADOWLARK</b>   |                                    |
| 3250 West Liberty, Ann Arbor, MI 48103<br>Office: 734.332.1500          |                                    |
| <b>Greg + Tracy Berman</b><br>1448 Harpst Street<br>Ann Arbor, MI 48104 |                                    |
| PROJECT #:<br><Proj. #>   | PROJECT STATUS:<br><Project Phase> |
| PRINT DATE:<br>1/19/22  | NOT FOR CONSTRUCTION               |
| <b>Main Floor Plan Setback</b>  |                                    |
| DRAWN BY:   |                                    |
| DD  | DATE                               |
| PERMIT  |                                    |
| 50% CD  |                                    |
| 100% CD   |                                    |
| <b>A1.08</b>  |                                    |
| <small>FILE: BERMAN_220119_02.dwg</small>                               |                                    |



ACTUAL PROPERTY LINE AFTER SURVEY

SIDEWALK

**NOT FOR CONSTRUCTION**

Main Floor Plan

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

1



|  |                                    |  |                      |
|--|------------------------------------|--|----------------------|
|  |                                    | DOC #  |                      |
| Greg + Tracy Berman<br>1448 Harpst Street<br>Ann Arbor, MI 48104 |                                    | 3250 West Liberty, Ann Arbor, MI 48103<br>Office: 734.332.1500 |                      |
| Main Floor Plan New Setback                                      |                                    | NOT FOR CONSTRUCTION   |                      |
| PROJECT #:<br><Proj. #>  | PROJECT STATUS:<br><Project Phase> | PRINT DATE:<br>1/19/22   | PERIMETER:<br>73.42' |
| DRAWN BY:  |                                    | DATE:  |                      |
| DD   | PERMIT                             | 50% CD   | 100% CD              |
| <b>A1.09</b>   |                                    | FILE: BERMAN_220119_02.dwg                                     |                      |



Average Setback consideration for whole street (Berman residence highlighted)



3D renderings of proposed design by Meadowlark Design + Build











