

**Zoning Board of Appeals  
October 28, 2015 Regular Meeting**

**STAFF REPORT**

**Subject:     ZBA15-023; 818 Henry Street**

**Summary:**

Sam Copi is requesting one variance from Chapter 55 (Zoning) Section 5:57 (Averaging an Existing Front Setback Line), of 2 foot 6 inches to allow a 14 foot 8 inch front setback; 17 feet 2 inches is required (Averaged Front Setback).

**Description and Discussion:**

The subject parcel contains a 2,222-square foot, duplex dwelling constructed in 1920. The parcel is zoned R4C (Multiple-Family) and is non-conforming for lot area; the required minimum lot area for R4C is 8,500 square feet and the parcel is 6,011 square feet. The current front setback measures 19 feet 8 inches to the covered stoop. The house was constructed in a line with adjacent houses to the east and slightly behind the front of the house immediately to the west. The required setback for R4C is 25 feet; however using the required averaging section to include adjacent houses within 100 feet the required setback is reduced to 17 feet 2 inches.

The petitioner is proposing to construct and cover a 28 foot 9 inch by 5 foot front porch addition to the existing covered stoop on the first floor and construct a new porch (uncovered) on the second floor which would be the same size as the first floor porch. After construction, both porches of the house would encroach 2 feet 6 inches into the averaged front setback of 17 feet 2 inches. The total area of the encroachment is approximately 232 square feet per floor.

**Standards for Approval- Variance**

The Zoning Board of Appeals has all the power granted by State law and by Section 5:99, Application of the Variance Power from the City of Ann Arbor Zoning Ordinance. The following criteria shall apply:

- (a).   *That the alleged hardships or practical difficulties, or both, 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 subject parcel is a non-conforming lot in the R4C Zoning District (required is a minimum lot size of 8,500 square feet; parcel is 6,011 square feet). The existing house was built in the 1920's before current zoning setbacks, when the current front setback

was enacted the house was made non-conforming. The house, including the covered stoop, was built 19 feet 8 inches from the front property line. The R4C required setback is 25 feet; however the averaging of adjacent parcels adjusts the setback to 17 feet 2 inches. Adjacent neighborhood houses used in the averaging requirement were also constructed before current zoning standards.

- (b). ***That the alleged hardships or practical difficulties, or both, which 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 variance is being requested in order to construct and cover a front porch on the first floor and an uncovered porch on second floor of the house. If the variance is not granted, the petitioner could re-construct the existing covered stoop and add 2 and a half feet to the front without requiring a variance. The porch could not extend across the front of the house as proposed due to the minimal depth of 2 feet 6 inches in front of the bay projections of the house.

- (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 approved, the structure will be consistent with a number of houses in the neighborhood. The first floor porch is being enlarged and covered, the second floor porch will not be covered. A covered front porch would be an aesthetic improvement to the property and will enable residents to use the porch offering same protection from the elements. The addition will not be extended any closer to side property lines and a signed petition from adjacent neighbors was submitted.

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

The house was built in the 1920's before current zoning standards were established. Changes in the zoning code after construction of the house made the house non-conforming. The existing stoop is sufficient in size to be used only for ingress/egress to the existing front doors.

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

The variance, if approved, will permit construction of a covered front porch on the first and second floor. At the narrowest point, the porch is less than 5 feet wide and is a minimal depth for the addition of chairs. The second floor porch will be built on the roof of the first floor and will not be covered. Given design constraints of two front doors to the duplex and bay projections along the front of the house, total useable area of the porch is minimal.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. J. Kowalski', written in a cursive style.

**Matthew J. Kowalski, AICP**  
**City Planner**

818 Henry St

Sycamor

R4C

R1D

R4C

Rose Ave

E Stadium Blvd

PL

Golden Ave

O

E-Parke-Pl

PUD

Henry St

R4C

O

PL

White St

PL

R3

Stimson St

Woodbury Dr

C3

S Industrial Hwy

M1

**Zoning Districts**

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



Map date 10/7/2015  
 Any aerial imagery is circa 2012  
 unless otherwise noted  
 Terms of use: [www.a2gov.org/terms](http://www.a2gov.org/terms)

818 Henry St



-  Railroads
-  Parcels
-  Huron River



Stimson St



Map date 10/7/2015  
 Any aerial imagery is circa 2012  
 unless otherwise noted  
 Terms of use: [www.a2gov.org/terms](http://www.a2gov.org/terms)

**APPLICATION FOR VARIANCE OR NON-CONFORMING STRUCTURE**  
**ZONING BOARD OF APPEALS**

**Section 1: Applicant Information**

Name of Applicant: SAM COPI (OWNER) JAMES KOPF (APPLICANT)  
Address of Applicant: 818 HENRY ST. (OWNER) 35400 CENTRAL CITY  
Daytime Phone: 313 478-1547  
Fax: 734-425-5226  
Email: JKOPFB@CMPWORKSHOP.COM  
Applicant's Relationship to Property: ARCHITECT

**Section 2: Property Information**

Address of Property: 818 HENRY  
Zoning Classification: R4C  
Tax ID# (if known): \_\_\_\_\_  
\*Name of Property Owner: SAM COPI

*\*If different than applicant, a letter of authorization from the property owner must be provided.*

**Section 3: Request Information**

Variance

Chapter(s) and Section(s) from which a variance is requested:

ARTICLE III / 5.24

Required dimension: \_\_\_\_\_ PROPOSED dimension: \_\_\_\_\_

AVERAGE 30" FRONT YD.

EXIST/ADJACENT

SETBACKS

*Example: Chapter 55, Section 5:26*

*Example: 40' front setback*

*Example: 32'*

Give a detailed description of the work you are proposing and why it will require a variance (attach additional sheets if necessary)

REMOVE CRUMBLING EXISTING CONCRETE PORCH  
+ REPLACE PER ATTACHED DRAWINGS.

**Section 4: VARIANCE REQUEST (If not applying for a variance, skip to section 5)**

The City of Ann Arbor Zoning Board of Appeals has the powers granted by State law and City Code Chapter 55, Section 5:98. 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 is found **TRUE**. Please provide a complete response to each item below. These responses, together with the required materials in Section 5 of this application, will form the basis for evaluation of the request by staff and the Zoning Board of Appeals. (continued...)

1. Are there hardships or practical difficulties to complying with the ordinance? Are these hardships or practical difficulties an exception or unique to the property compared to other properties in the City?

THE EXISTING HOME (2400 SQ/FT) +/- IS SERVICED BY A SMALL 6' TOTAL DEPTH CONCRETE STOOP. THE OWNER IS UNABLE TO BUILD A SLIGHTLY LARGER PORCH, SIMILAR TO ADJACENT PROPERTIES, THAT WOULD ACCOMADATE ACTUAL USE.

2. Are the hardships or practical difficulties more than mere inconvenience, inability to obtain a higher financial return? (explain)

PRIMARY ENTRANCE DOOR SWING ENCROACHES 3' INTO A 6' SPACE. IT IS NOT THE CLIENTS INTENTION OR DESIRE TO BUILD THE BIGGEST PORCH ON THE BLOCK BUT ONE THATS USABLE + CONTEXT APPROPRIATE.

3. What effect will granting the variance have on the neighboring properties?

NONE - SEE ATTACHED LETTER WITH NEIGHBORS' SIGNATURES AND COMMENTS.

4. What physical characteristics of your property in terms of size, shape, location or topography prevent you from using it in a way that is consistent with the ordinance?

SEE ATTACHED SITE PLAN + SURVEY.

5. Is the condition which prevents you from complying with the ordinance self-imposed? How did the condition come about?

THE CONDITION THAT PREVENTS COMPLIANCE IS NOTHING MORE THAN THE DESIRE TO BUILD A PORCH THAT IS PRACTICALLY USABLE + CONTEXTUALLY APPROPRIATE.

## Section 5: ALTERATION TO A NON-CONFORMING STRUCTURE

Current use of the property \_\_\_\_\_

The proposed change is allowed in accordance with Structure Non-Conformance, Section 5:87 (1) (a) & (b), which reads as follows:

- (1) A non-conforming structure may be maintained or restored, but no alteration shall be made to a non-conforming structure unless one of the following conditions is met:
  - a. The alteration is 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.
  - b. The alteration conforms to all the requirements of this Chapter and is made to a building which will be a single-family dwelling on completion of the alteration and is located in an R1,R2, R3, or R4 district.
  - c. The structure is considered non-conforming due to the following reasons

(continued . . . . .)

Existing Condition

Code Requirement

Lot area \_\_\_\_\_  
Lot width \_\_\_\_\_  
Floor area ratio \_\_\_\_\_  
Open space ratio \_\_\_\_\_  
Setbacks \_\_\_\_\_  
Parking \_\_\_\_\_  
Landscaping \_\_\_\_\_  
Other \_\_\_\_\_

Describe the proposed alterations and state why you are requesting this approval:

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The alteration complies as nearly as is practicable with the requirements of the Chapter and will not have a detrimental effect on neighboring property for the following reasons:

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Wherefore, Petitioner requests that permission be granted from the above named Chapter and Section of the Ann Arbor City Code in order to permit \_\_\_\_\_

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**Section 6: Required Materials**

The following materials are required for all variance requests. Failure to provide these materials will result in an incomplete application and will delay staff review and Zoning Board of Appeals consideration of the request. The materials listed below must accompany the application and constitute an inseparable part of the application.

All materials must be provided on **8 1/2" by 11" sheets.** (Continued.....)



- Survey of the property including all existing and proposed structures, dimensions of property, and area of property.
- Building floor plans showing interior rooms, including dimensions.
- Photographs of the property and any existing buildings involved in the request.
- Any other graphic or written materials that support the request.

**Section 7: Acknowledgement**

**SIGNATURES MUST BE SIGNED IN PRESENCE OF NOTARY PUBLIC**

I, the applicant, request a variance from the above named Chapter(s) and Section(s) of the Ann Arbor City Code for the stated reasons, in accordance with the materials attached hereto.

313.478.1547  
 \_\_\_\_\_ Signature  
 Phone Number  
 JKORFBRCMPWORKSHOP.COM \_\_\_\_\_ JAMES KOPF  
 Email Address \_\_\_\_\_ Print Name

I, the applicant, hereby depose and say that all of the aforementioned statements, and the statements contained in the materials submitted herewith, are true and correct.

\_\_\_\_\_  
 Signature

Further, I hereby give City of Ann Arbor Planning & Development Services unit staff and members of the Zoning Board of Appeals permission to access the subject property for the purpose of reviewing my variance request.

\_\_\_\_\_  
 Signature

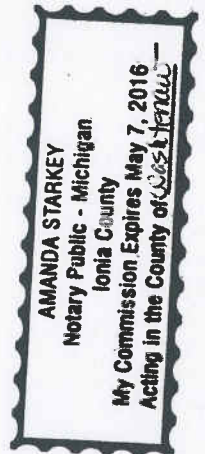
I have received a copy of the informational cover sheet with the deadlines and meeting dates and acknowledge that **staff does not remind the petitioner of the meeting date and times.**

\_\_\_\_\_  
 Signature

On this 30<sup>th</sup> day of September, 2015, before me personally appeared the above named applicant and made oath that he/she has read the foregoing application by him/her subscribed and knows the contents thereof, and that the same is true as to his/her own knowledge except as to those matters therein stated to be upon his information and belief as to those matters, he/she believes them to be true.

Amanda Starkey  
 \_\_\_\_\_  
 Notary Public Signature

May 7, 2016 \_\_\_\_\_  
 Notary Commission Expiration Date \_\_\_\_\_ Print Name



**Staff Use Only**

Date Submitted: \_\_\_\_\_ Fee Paid: \_\_\_\_\_  
 File No.: \_\_\_\_\_ Date of Public Hearing \_\_\_\_\_  
 Pre-filing Staff Reviewer & Date \_\_\_\_\_ ZBA Action: \_\_\_\_\_  
 Pre-Filing Review: \_\_\_\_\_  
 Staff Reviewer & Date: \_\_\_\_\_

CUSTOMER COPY

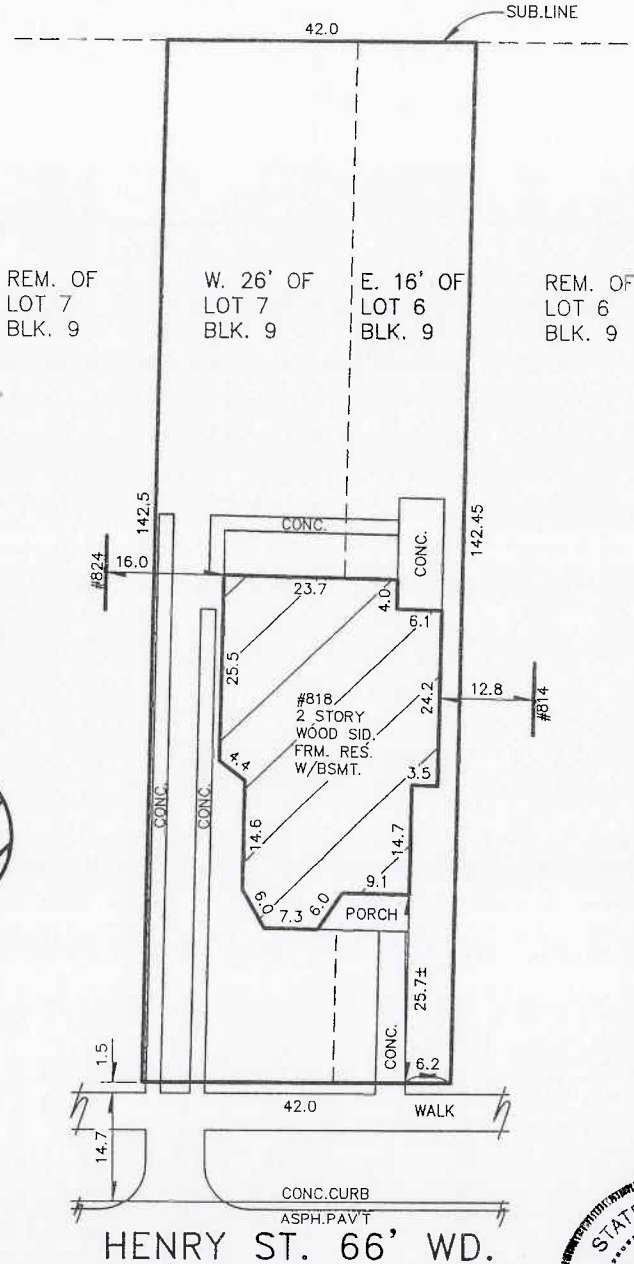
MORTGAGE SURVEY

Certified to: BANK OF ANN ARBOR

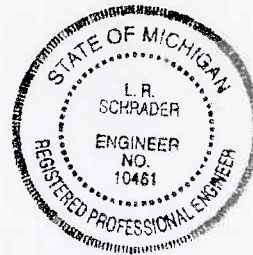
Applicant: SAMUEL M. COPI

Property Description:

The West 26 feet of Lot 7 and the East 16 feet of Lot 6, Block 9; HAMILTON, ROSE AND SHEEHAN'S ADDITION TO THE CITY AND TOWN OF ANN ARBOR, (now City of Ann Arbor), of part of Section 33, Town 2 South, Range 6 East, Washtenaw County, Michigan, as recorded in Liber 1 of Plats, Page 24 of Washtenaw County Records.



CERTIFICATE: We hereby certify that we have surveyed the above-described property in accordance with the description furnished for the purpose of a mortgage loan to be made by the forementioned applicants, mortgagor, and that the buildings located thereon do not encroach on the adjoining property, nor do the buildings on the adjoining property encroach upon the property heretofore described, except as shown. This survey is not to be used for the purpose of establishing property lines, nor for construction purposes, no stakes having been set at any of the boundary corners.



THIS SURVEY DRAWING IS VOID IF THE PROFESSIONAL SEAL IS NOT IN BLUE INK.

*L. R. Schrader P.E.*

JOB NO: 04-62594 SCALE: 1"=20'  
 DATE: 4-26-04 DR BY: JKG

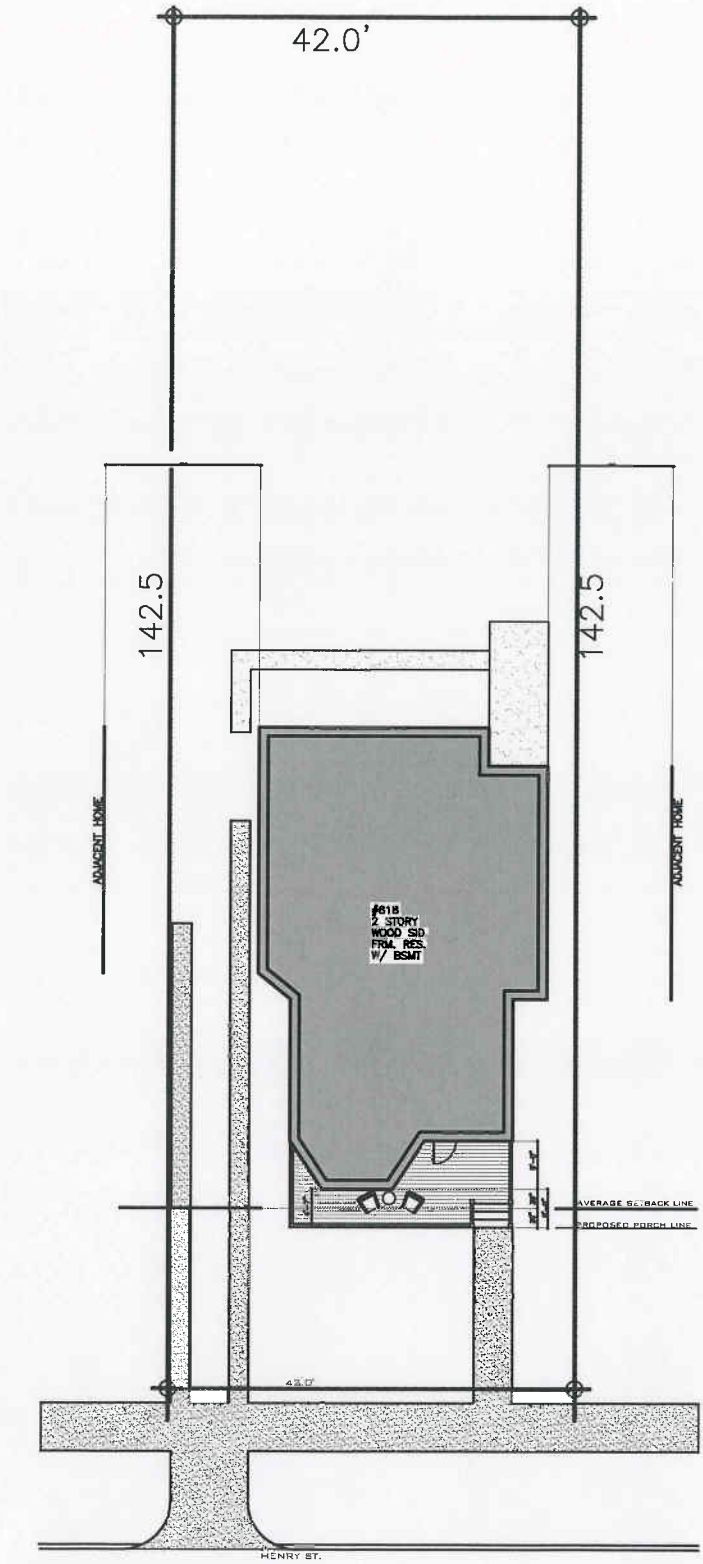
**KEM-TEC**  
 LAND SURVEYORS

22556 Gratiot Avenue  
 Eastpointe, MI 48021-2312  
 (586) 772-2222  
 FAX: (586) 772-4048

**KEM-TEC WEST**  
 LAND SURVEYORS

800 E. STADIUM  
 Ann Arbor, MI 48104-1412  
 (734) 904-0888 \* (800) 433-6133  
 FAX: (734) 994-0867





PROPOSED SITE PLAN

NTS

**COMPOSITION WORKSHOP**  
 ARCHITECTURAL CONSULTANTS & DESIGNERS  
 2000 Central City Drive  
 Raleigh, NC 27601

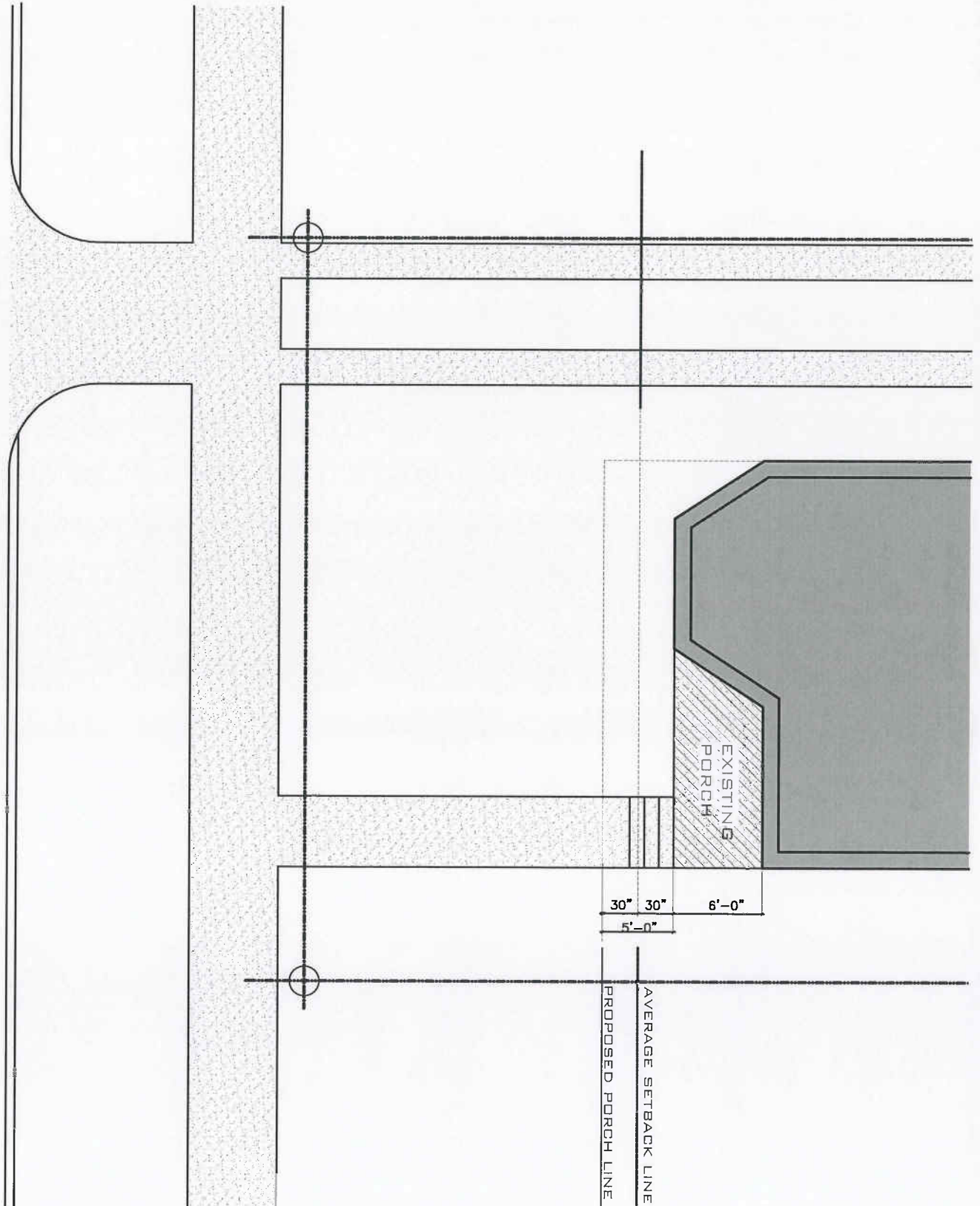
PROJECT  
 COPI RESIDENCE  
 PORCH REPAIR + ADDITION

DATE	REVISION	APPROVED
03.11.19	ISSUED FOR APPROVAL #1	JFK

FILE NUMBER	DRAWN BY	DATE ISSUED
15-215	JFK	03.11.19

SHEET TITLE  
 PROPOSED SITE PLAN

SHEET NUMBER  
 ST1.1



EXISTING SITE PLAN

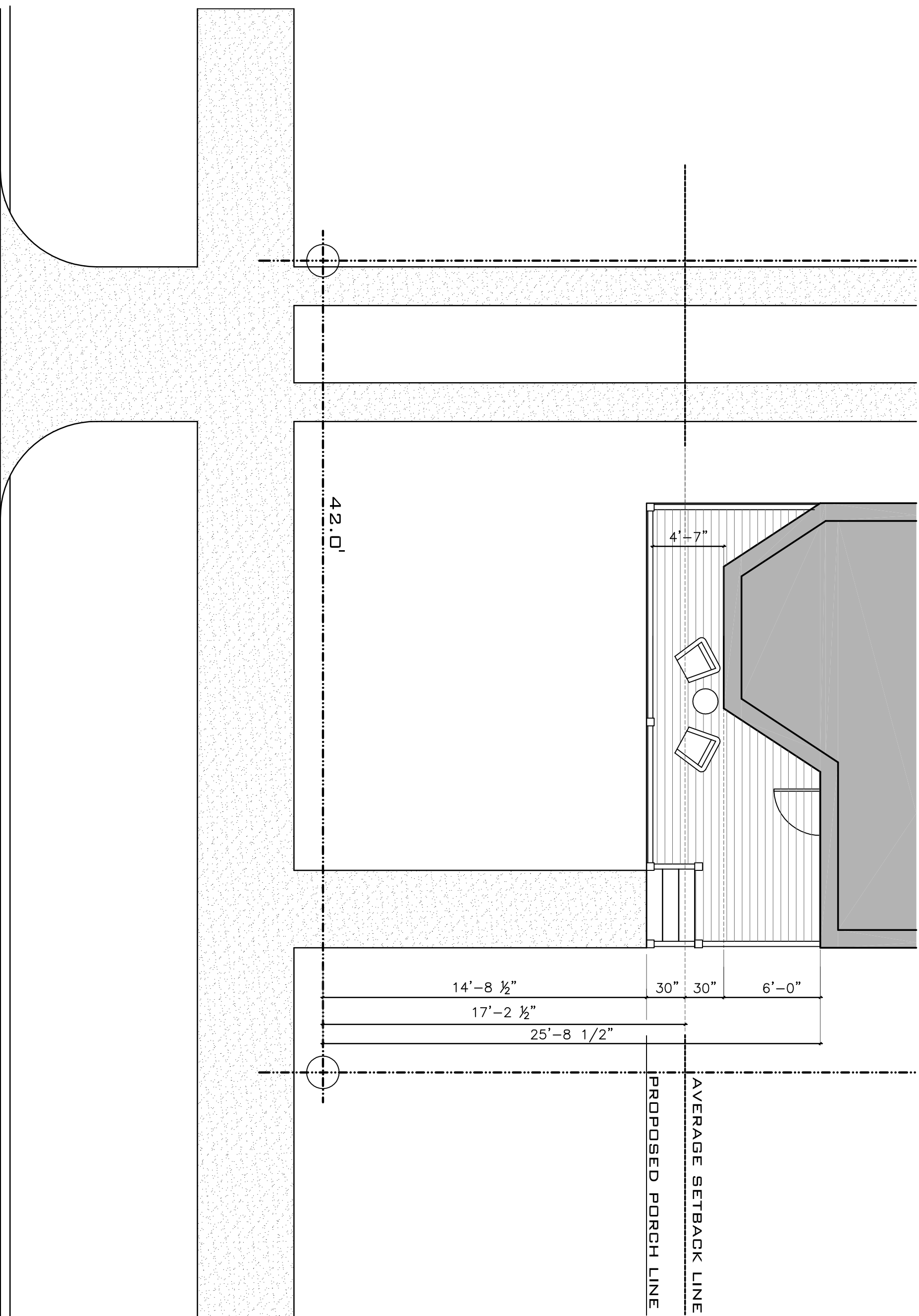
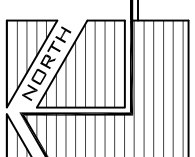
NTS



# PROPOSED SITE PLAN

NTS

HENRY ST.



PROJECT  
 COPI RESIDENCE  
 PORCH REPAIR + ADDITION



PROPOSED FRONT ELEVATION  
 1/2" = 1'-0"

DATE	REVISIONS	APPROVED
05/14/18	ISSUED FOR ARCHITECTURAL SET	JPK

FILE NUMBER 18-18	OWNER BY JPK	DATE ISSUED 28.JAN.18
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SHEET TITLE  
 PROPOSED ELEVATION



I authorize James Korf  
and Composition Workshop to submit  
all paperwork regarding my variance  
request for 818 Henry, Ann Arbor MI 48104

- Samuel M. Cooper



9-~~24~~-15  
SMC



24.Aug.15

Re: Copi Residence  
818 Henry Street  
Ann Arbor, Michigan 48104

Neighbors:

My name is Sam Copi.

I am interested in making some improvements to my home.

Those improvements include removing all of the scrubby bushes from the front of my home, and removing a crumbling and dangerous concrete front porch.

We would like to replace the porch with a new wood framed porch that includes a deck for the upper level.

In order to build the porch that we would like, The City of Ann Arbor Planning department requires that we request a setback variance of 2'-6"

It is not my intention to try to build the largest porch on the street, or to build anything that would impede anyone's view, but to build something that fits into the style (and scale) of the neighborhood.

(It would also be great to have enough room to put a chair on my front porch)

I would like your support.

I have attached a drawing of the site plan and an elevation of the proposed porch.

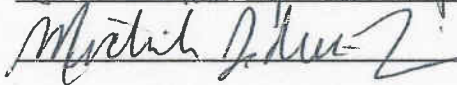
If you are ok with my proposed improvements, I would appreciate it you could sign at the bottom of the page. (I'm told that the support of the neighborhood is an important factor when considering a variance request)

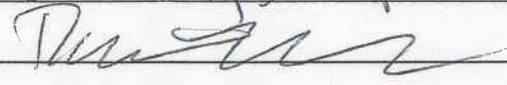
If you have any feedback on the improvements, my ears are open.


Thanks for your help.

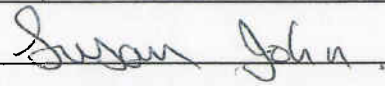
Same Copi  
818 Henry Street  
Ann Arbor, Mi

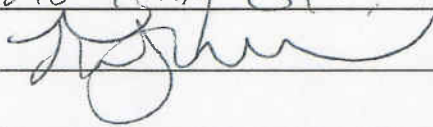
I support and do not object to  
a variance being granted to  
818 Henry

Name: Michèle Leclerc-Lapierre  
Address: 812 Henry St. Apt. 4  
Signature:   
Comments:

Name: DANA KNOWL  
Address: 812 Henry St Apt 1  
Signature:   
Comments:

Name: Clifford A John  
Address: 1513 White St, A2 MI 48104  
Signature:   
Comments:

Name: SUSAN M. John  
Address: 1513 White St, A2 MI 48104  
Signature:   
Comments:

Name: Tyler Foster  
Address: 810 Henry St. Ann Arbor MI 48104  
Signature:   
Comments:

I support and do not object to a variance being granted to 812 Henry

Name: Charles Schaldenbrand  
Address: 800 Henry St  
Signature: *[Signature]*  
Comments: I don't mind at all about the two foot distance.

Name: Troy Jackson  
Address: 814 Henry  
Signature: *[Signature]*  
Comments: Direct Neighbor. Do not mind!

Name: Jessica Ferris  
Address: 814 Henry  
Signature: *[Signature]*  
Comments: Direct Neighbor. 2 ft is fine!

Name: *[Signature]*  
Address: 1515 East Park Pl  
Signature: *[Signature]*  
Comments: No problem!

Name: STEFAN SZYMANSKI  
Address: 1515 EAST PARK PLACE  
Signature: *[Signature]*  
Comments: By all means!