

**Zoning Board of Appeals  
December 5, 2018 Regular Meeting**

**STAFF REPORT**

**Subject: ZBA18-027; 1632 Kirtland Drive**

**Summary:**

Shepherd Whitcomb, property owner, is requesting a variance from Chapter 55 Zoning Section 5.18.5 Averaging an Established Front Building Line. The property is zoned R1C single-family residential. The owner is proposing to construct a new front porch (8' x 26'8"). The average front setback is 35 feet and the variance request of five feet eight inches will reduce the setback to 29 feet four inches.

**Background:**

The subject property is located in the Wuerth subdivision south of Stadium Boulevard. The home was built in 1955 and is approximately 2,108 square feet in size.

**Description:**

The proposed porch will provide a safe cover entry with a hand rail for elderly in-laws. Additionally, a new seating area will be available for the owner.

**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 City of Ann Arbor Zoning Ordinance. 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 applicant states that the variance is necessary due to the home being constructed in the 1950's prior to the average front setback amendment.

- (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.***

Failure to grant the variance will not allow for the front porch which will provide a safe entry and an enjoyable outdoor living space.

- (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.***

The front porch will not have any adverse or negative impacts on surrounding

properties.

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

The subdivision and homes in the neighborhood were designed at a time which did not account for front porches and average front setbacks.

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

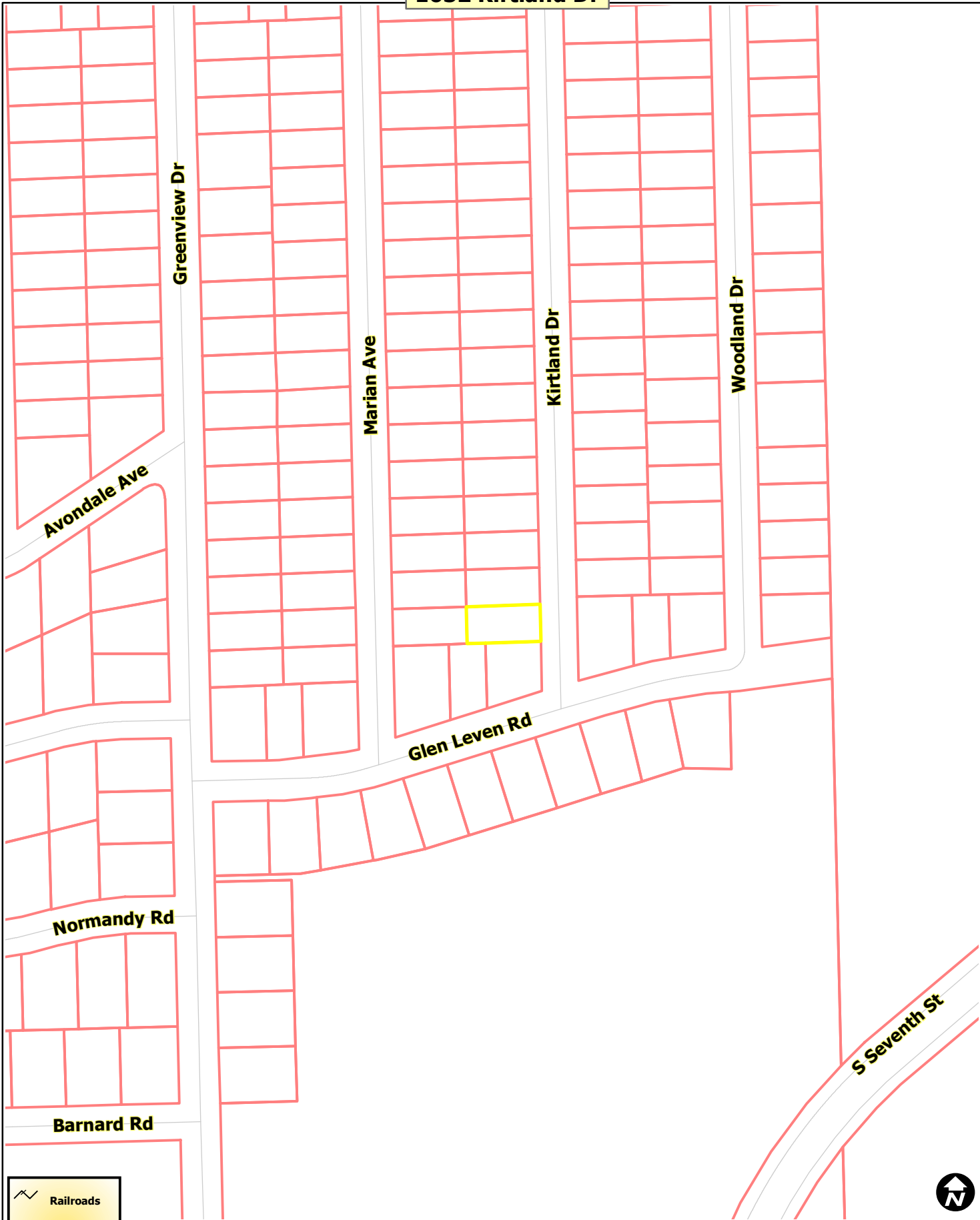
The variance being requested is five feet eight inches which is a reasonable use of the land with limited or no impact on adjacent properties.


Respectfully submitted,


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


**Jon Barrett  
Zoning Coordinator**

1632 Kirtland Dr



 Railroads

 Huron River

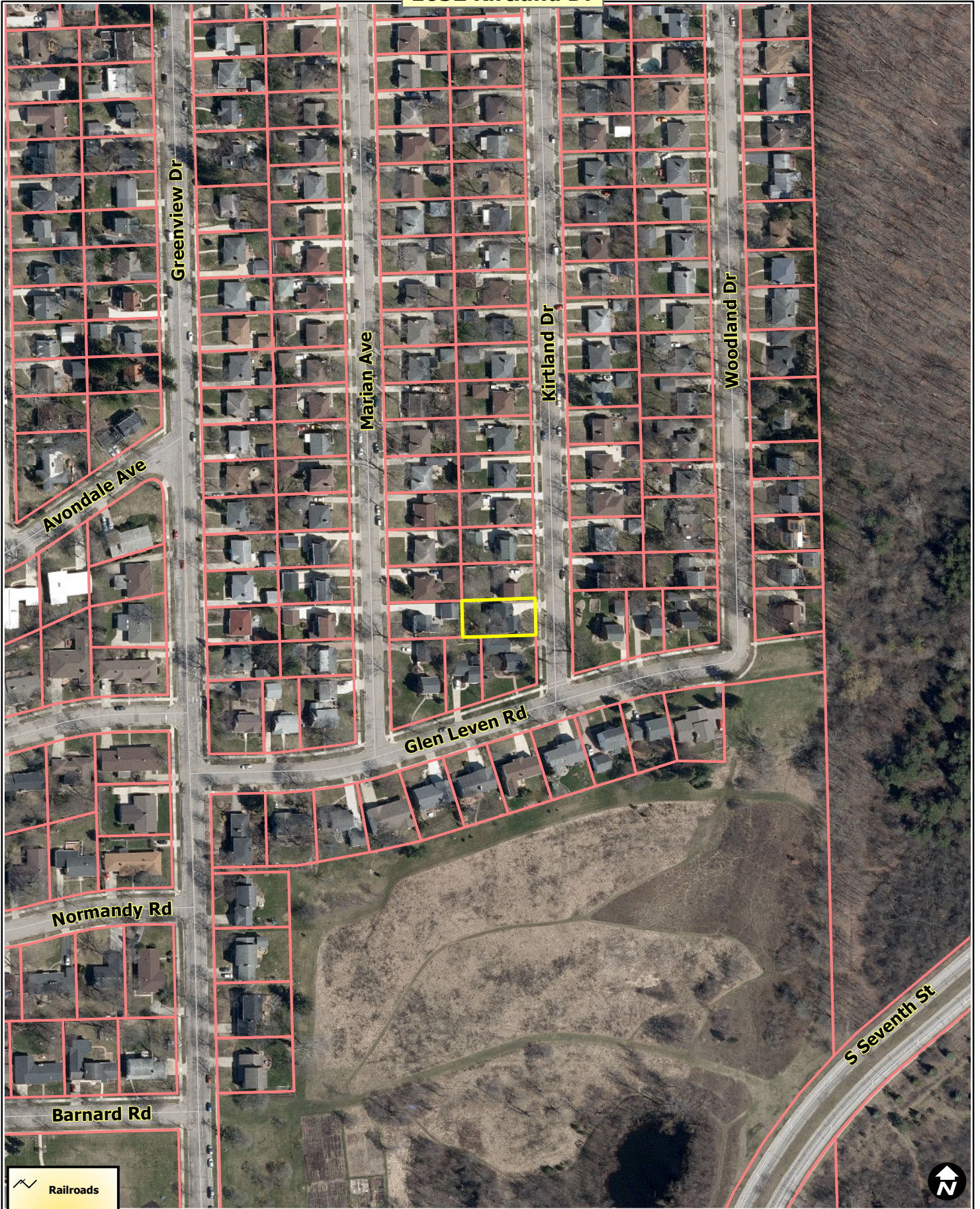
 Tax Parcels



Map date: 11/13/2018  
Any aerial imagery is circa 2018  
unless otherwise noted  
Terms of use: [www.a2gov.org/terms](http://www.a2gov.org/terms)



1632 Kirtland Dr



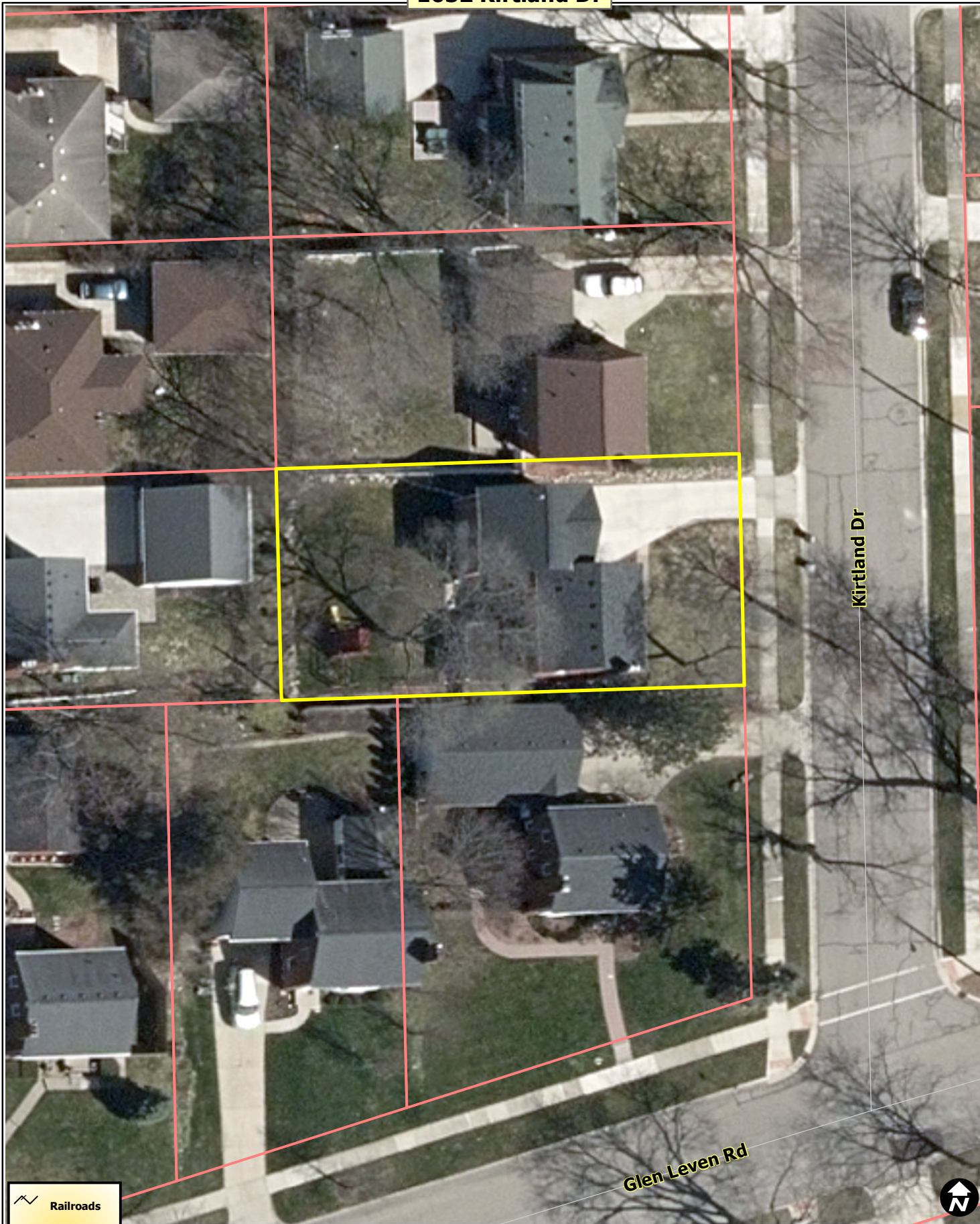
- Railroads
- Huron River
- Tax Parcels



Map date: 11/13/2018  
Any aerial imagery is circa 2018  
unless otherwise noted  
Terms of use: [www.a2gov.org/terms](http://www.a2gov.org/terms)




1632 Kirtland Dr



Kirtland Dr

Glen Leven Rd

-  Railroads
-  Huron River
-  Tax Parcels



Map date: 11/13/2018

Any aerial imagery is circa 2018 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 **ZDA18-027**  
 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)

CITY OF ANN ARBOR  
 RECEIVED

NOV 07 2018

## PROPERTY INFORMATION PLANNING & DEVELOPMENT SERVICES

ADDRESS OF PROPERTY 1632 Kirtland Drive, Ann Arbor Michigan		ZIP CODE 48103	
ZONING CLASSIFICATION R1C	NAME OF PROPERTY OWNER *If different than applicant, a letter of authorization from the property owner must be provided		
PARCEL NUMBER 09-09-31-402-001	OWNER EMAIL ADDRESS shep_w@yahoo.com		

## APPLICANT INFORMATION

NAME Shepherd Whitcomb			
ADDRESS 1632 Kirtland Drive	CITY Ann Arbor	STATE MI	ZIP CODE 48103
EMAIL ADDRESS shep_w@yahoo.com		PHONE 734-478-4360	
APPLICANT'S RELATIONSHIP TO PROPERTY Owner			

## REQUEST INFORMATION

<input checked="" type="checkbox"/> VARIANCE REQUEST Complete Section 1 of this application	<input type="checkbox"/> REQUEST TO ALTER A NONCONFORMING STRUCTURE Complete Section 2 of this application
--	---

## REQUIRED MATERIALS

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.

**Required Attachments:**

- Boundary 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.

## ACKNOWLEDGEMENT

All information and materials submitted with this application are true and correct.

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: Shepherd Whitcomb Date: 11-5-2018

# 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)

Section 5.18.5

REQUIRED DIMENSION: (Example: 40' front setback)

Average of the adjacent structures setbacks is 35.0' =

PROPOSED DIMENSION: (Example: 32' front setback)

29 foot setback, seeking a 5' 8" variance

DESCRIPTION OF PROPOSED WORK AND REASON FOR VARIANCE:

26.7 foot wide by 8 foot deep covered front porch. Our home does not have a protected entry. My parent in-laws are elderly and a safe cover entry with a hand rail for safe entry into the house. Additionally my wife and I would like a porch to sit and enjoy the neighborhood.

**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 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 sub division was built in the 1950s and did not accomodate the provision in the zoning code.

~~One home with in the average range is setback particularly far. It skews the average away from the sidewalk.~~

The alleged hardships are 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.

As mentioned above, my in-laws are elderly and the east facing exposure of the current stoop does not provide a safe entry into the house.

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.

There will be no adverse affect on the neighbors for granting this variance.

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

The design and layout of the sub division did not make accomodations for the modern zoning codes and the need for front porches.

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

a minimum variance of ~~29.45x~~ will allow for a ~~32'~~ covered area to enter the home and provide enough space to accomodate the outward swinging radius of the storm door to enter the home safely.







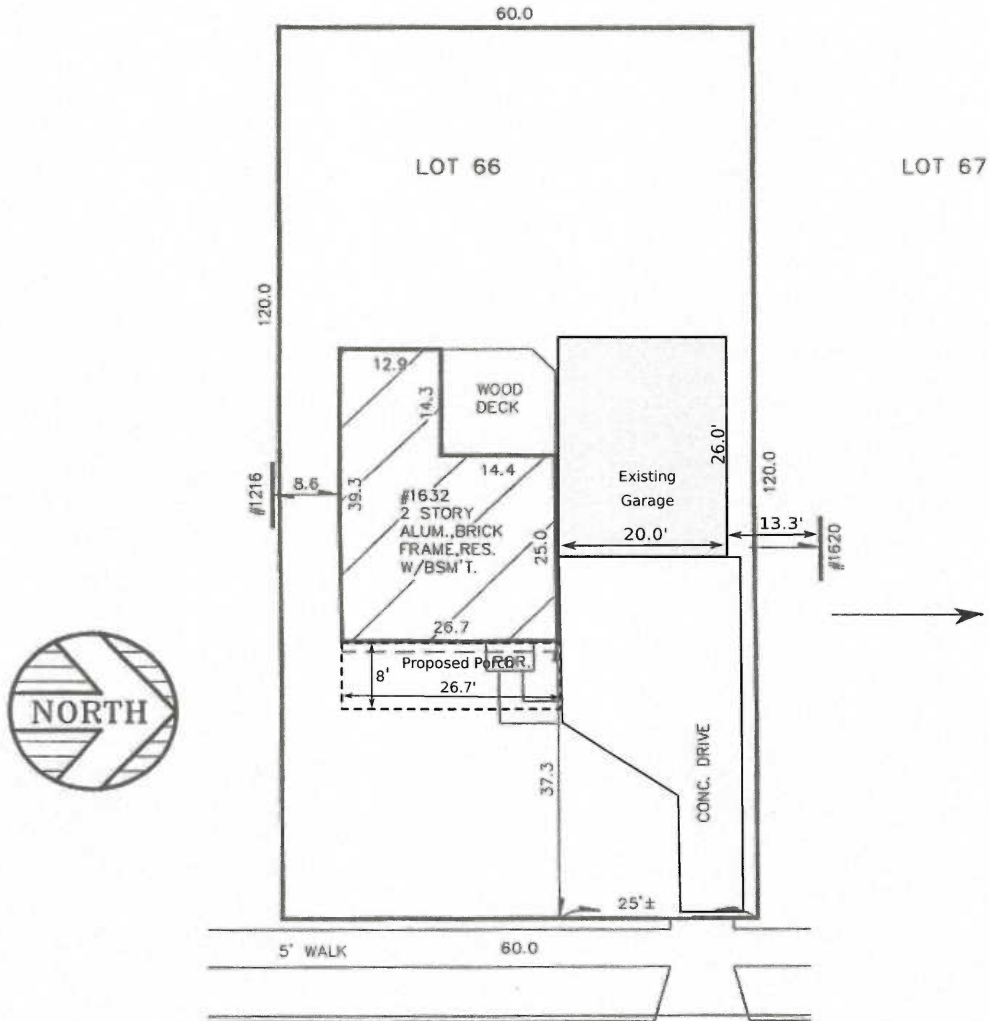
# MORTGAGE SURVEY

Certified to: ABN AMRO MORTGAGE GROUP, INC.

Applicant: SHEPHERD WHITCOMB AND KRISTIN WHITCOMB

**Property Description:**

Lot 66; WUERTH SUBDIVISION, a part of the Southeast 1/4 of Section 31, Town 2 South, Range 6 East, Ann Arbor Township, Washtenaw County, Michigan, as recorded in Liber 8 of Plats, Page 38 of Washtenaw County Records.



KIRTLAND DRIVE 60' WD.  
 34' ASPHALT PAVEMENT W/C.C.

**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.



*L.R. Schrader P.E.*

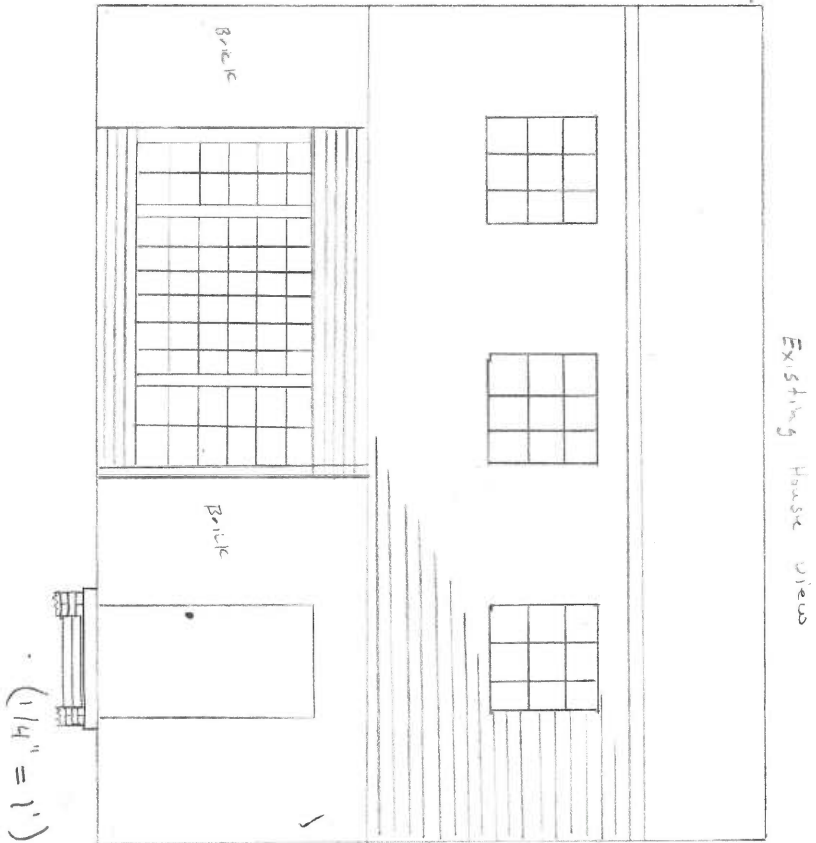
JOB NO: 02-64768      SCALE: 1"=20'  
 DATE: 07/12/2002      DR BY: OW/SLD

**KEM-TEC**  
 LAND SURVEYORS  
 22566 Gratiot Avenue  
 Eastpointe, MI 48021-2312  
 (810) 772-2222  
 FAX: (810) 772-4048



**KEM-TEC WEST**  
 LAND SURVEYORS  
 800 E. STADIUM  
 Ann Arbor, MI 48104-1412  
 (734) 994-0688 • (800) 433-8133  
 FAX: (734) 994-0887

**Existing House  
Front View**



Job Location:  
Shep Whitcomb  
1632 Kirtland Dr.  
Ann Arbor, MI 48103

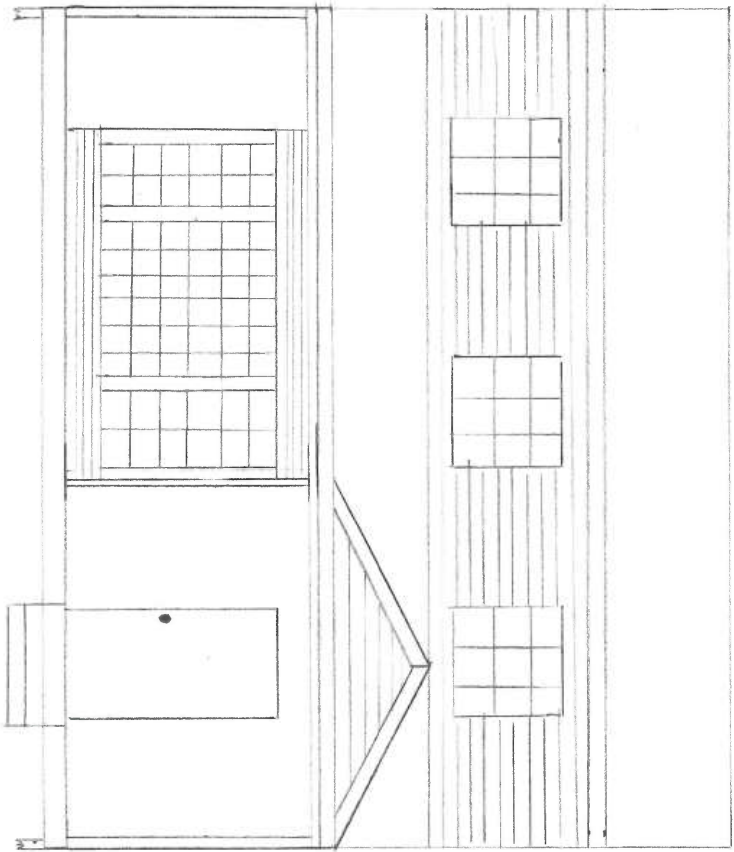
Contractor:  
Duane Carl Trinkle Jr.  
Trinkle Home Improvements, Inc.  
9553 Charles Ct.  
Dexter, MI 48130  
734-323-7245

Job Description:

1. Remove existing front cement stoop and build front porch to match drawing (8x27)
2. Footing will be 42" deep
3. Remove existing upper siding and replace with fake brick vinyl siding
4. Roofing will match existing roof
5. Soffit and porch ceiling will be vinyl
6. Post will be 4x4's, rafters will be 2x6's and the beam will be a two ply 10" LVL



Proposed house  
view with front porch



(1/4" = 1')

