

**Zoning Board of Appeals  
August 26, 2020 Regular Meeting**

**STAFF REPORT**

**Subject: ZBA 20-019; 712 Miner Street**

**Summary:**

Terrafirma Inc., representing property owner, is requesting a variance of three feet from Table 5.17-1 Single-Family Residential Zoning District Dimensions. The parcel is a nonconforming R2A property that does not meet the lot area and width requirements for the district. The R1D district setbacks are applied which require a minimum three-foot side yard. The owners are seeking to construct a 162 (9'x18') square foot deck that will extend to the side property line.

**Background:**

The subject property is located on the east side of Miner Street north of Miller Avenue in the Water Hill neighborhood. The home was built in 1995 and is 1,910 square feet in size. The lot area is 7,100 square feet.

**Description:**

Applicant is seeking to remove the existing paver walkway, retaining walls and raised paver porch as the egress system is failing. The home has a side entrance and there is less than five feet between the foundation and the property line in order to install new decking within the same footprint to eliminate the existing hazard.

**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 applicant states the side entrance to the home has created a practical difficulty that has created this unique situation.

- (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 continue the hazardous conditions of a failing infrastructure.

- (c). *That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this Chapter, the***

Zoning Board of Appeals  
August 26, 2020

***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.***

Granting the variance will allow the removal of the failing retaining wall and the installation of a better designed decking system.

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

The proposed deck will utilize the same footprint as the existing structure while only having one level and reducing tripping hazards and creating an area for the installation of a rain barrel.

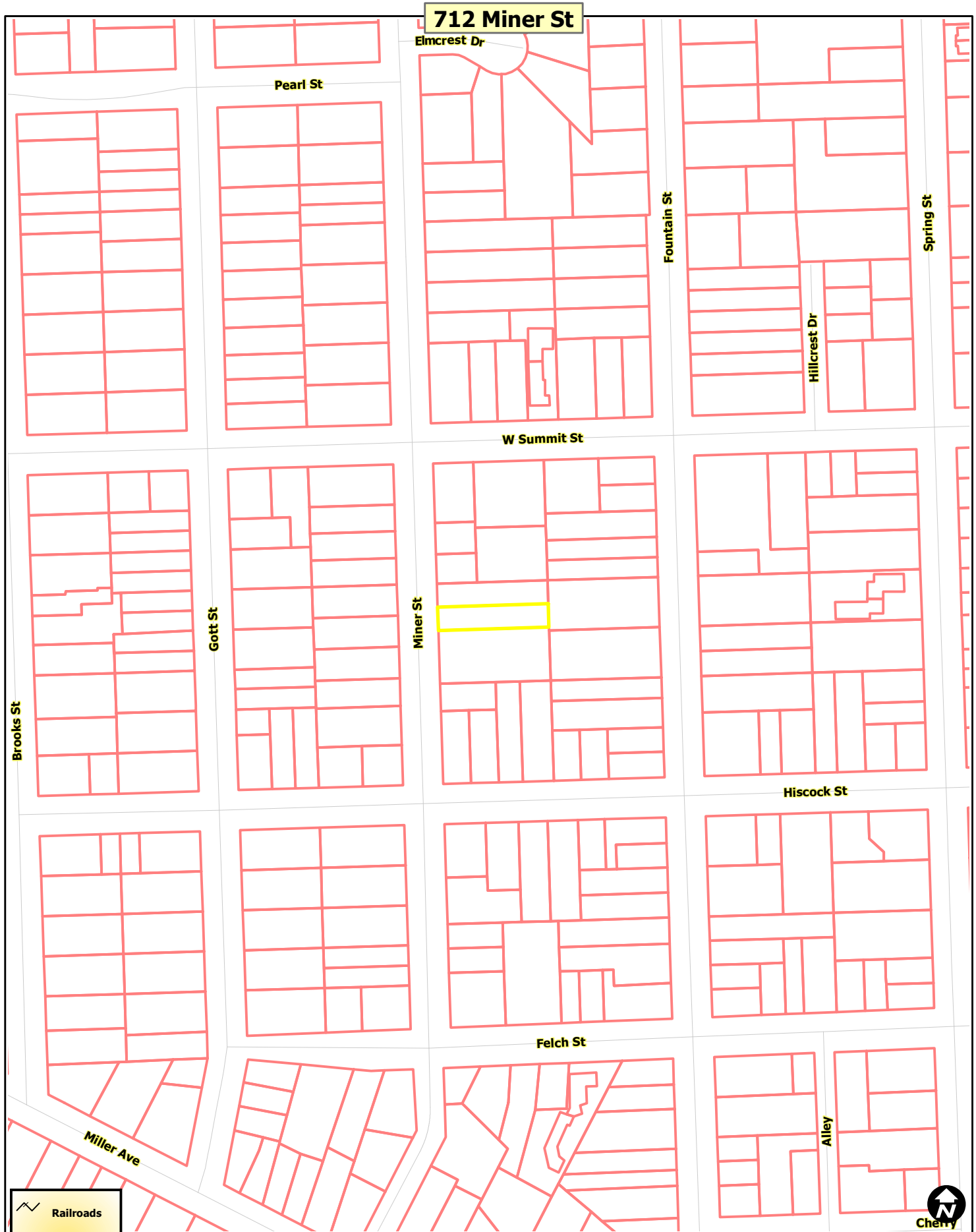
- (e). A variance approved shall be the minimum variance that will make possible a reasonable use of the land or structure.***

The requested variance is within the framework of the existing paver porch and will not encroach further into the side yard setback.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jon Barrett".

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



712 Miner St

Elmcrest Dr

Pearl St

Fountain St

Spring St

Hillcrest Dr

W Summit St

Gott St

Miner St


Hiscock St

W Felch St


Miller Ave

Alley






Railroads



Huron River



Tax Parcels



Map date: 7/31/2020  
Any aerial imagery is circa 2018  
unless otherwise noted  
Terms of use: [www.a2gov.org/terms](http://www.a2gov.org/terms)



712 Miner St

Elmcrest Dr

Pearl St

Fountain St

Spring St

Hillcrest Dr

W Summit St

Miner St

Gott St

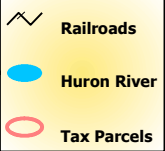
Brooks St

Hiscock St

Felch St

Miller Ave

Alley






Map date: 7/31/2020  
Any aerial imagery is circa 2018  
unless otherwise noted  
Terms of use: [www.a2gov.org/terms](http://www.a2gov.org/terms)



712 Miner St

Miner St

-  Railroads
-  Huron River
-  Tax Parcels



City of Ann Arbor

Map date: 7/31/2020  
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

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><b>712 Miner Street</b> |  | ZIP CODE<br><b>48103</b> |
| ZONING CLASSIFICATION<br><b>Residential</b>    | NAME OF PROPERTY OWNER* <i>If different than applicant, a letter of authorization from the property owner must be provided</i><br><b>Susan Bartman</b> |                          |
| PARCEL NUMBER<br><b>09-09-20-313-024</b>       | OWNER EMAIL ADDRESS<br><b>sbartman@comcast.net</b>   |                          |

## APPLICANT INFORMATION

|   |                          |                            |                          |
|---|--------------------------|----------------------------|--------------------------|
| NAME<br><b>Terrafirma Inc</b>                             |                          |                            |                          |
| ADDRESS<br><b>3780 Morgan rd</b>                          | CITY<br><b>Ypsilanti</b> | STATE<br><b>Mi</b>         | ZIP CODE<br><b>48197</b> |
| EMAIL<br><b>Alex@terrafirmalandscape.net</b>              |                          | PHONE<br><b>7344343811</b> |                          |
| APPLICANT'S RELATIONSHIP TO PROPERTY<br><b>Contractor</b> |                          |                            |                          |

## REQUEST INFORMATION

|   |   |
|---|---|
| <input 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

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.

## OFFICE USE ONLY

Fee Paid:

ZBA:

DATE STAMP

## 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: X 

Date: 7/2/2020



# 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 2 Section 74-266**

REQUIRED DIMENSION: (Example: 40' front setback)

Feet: 3 Inches: 0"

PROPOSED DIMENSION: (Example: 32 foot 8 inch front setback)

Feet: ~1' Inches: 8"

DESCRIPTION OF PROPOSED WORK AND REASON FOR VARIANCE:

The front door to home is on side of home. The paver walkway, retaining walls and raised paver porch are failing causing unsafe egress to the front door. With only 4-5 feet between house and property line, a variance is needed in order to remove the paver porch and install a decking within the same foot print and simplify the design to reduce tripping hazards.

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 properties front door is located on the side of the house rather than in the front.

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 variance will continue unsafe and harrarous conditions to visitors, property owner and neighbor, as the current infrasture of the walls are showing signs of failure.

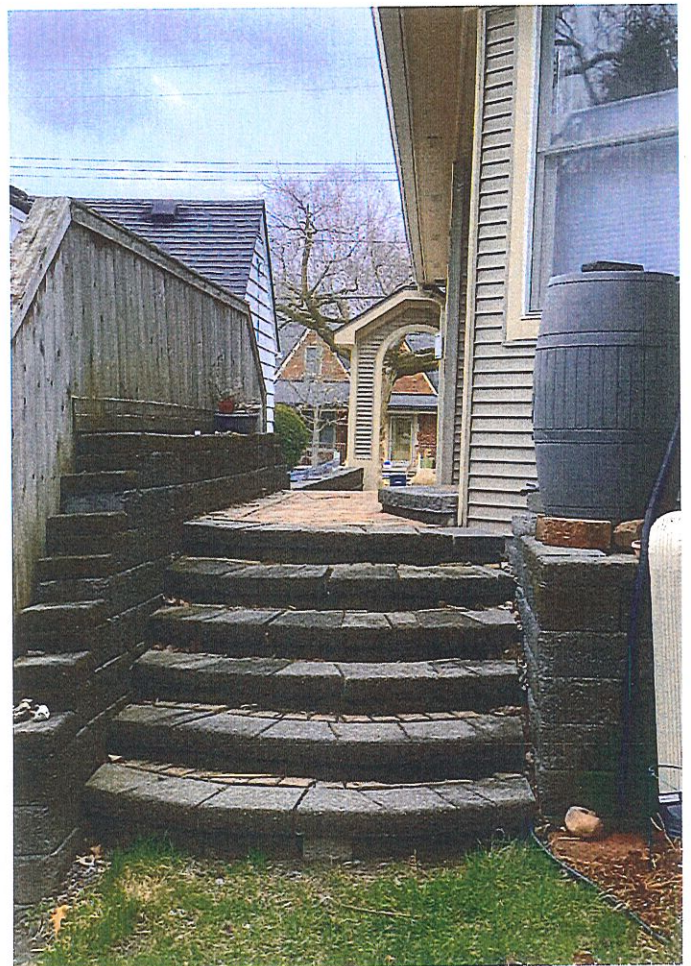
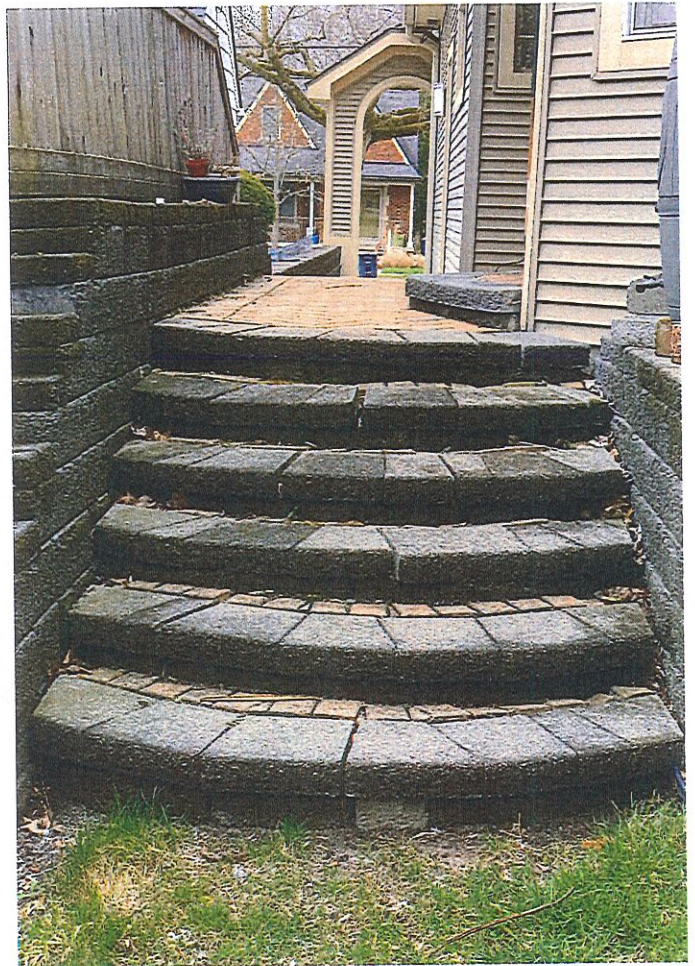
Allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this chapter, the practical difficulties that will be suffered by a failure of the Board to grant a variance, and the rights of others whose property would be affected by the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

Allowing the variance allows the property owner safe access to their front door, removes unsafe conditions from the neighbor from a failing wall and replaces old and unsightly views from the neighbors backyard.

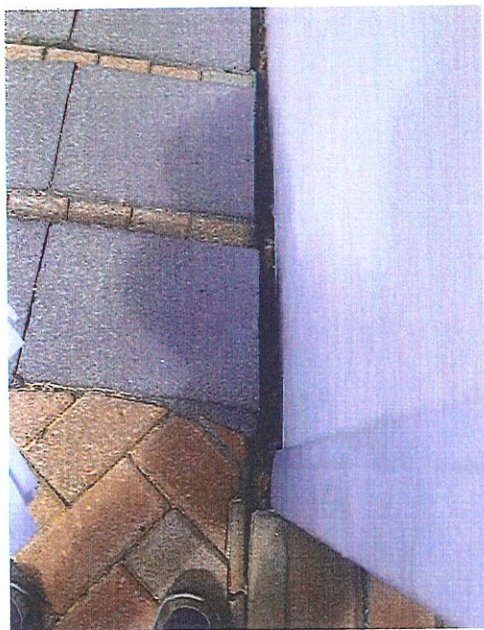
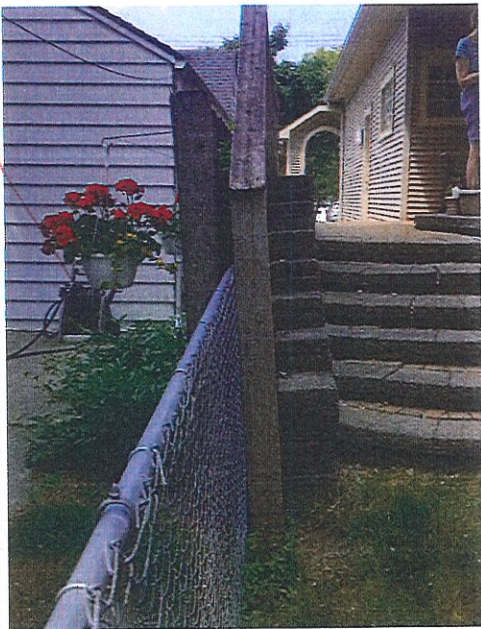
The conditions and circumstances on which the variance request is based shall not be a self-imposed practical difficulty. The Project shall use the same footprint as to what is currently there, while reconfiguring so that there is only one level resulting in less tripping hazards as well as creating a spot for a rain barrel that can easily be accessible.

A variance approved shall be the minimum variance that will make possible a reasonable use of the land or structure. The minimum space required will be used to create a safe walking and deck/porch to access the front door of the house while conforming to code and inspection approval.



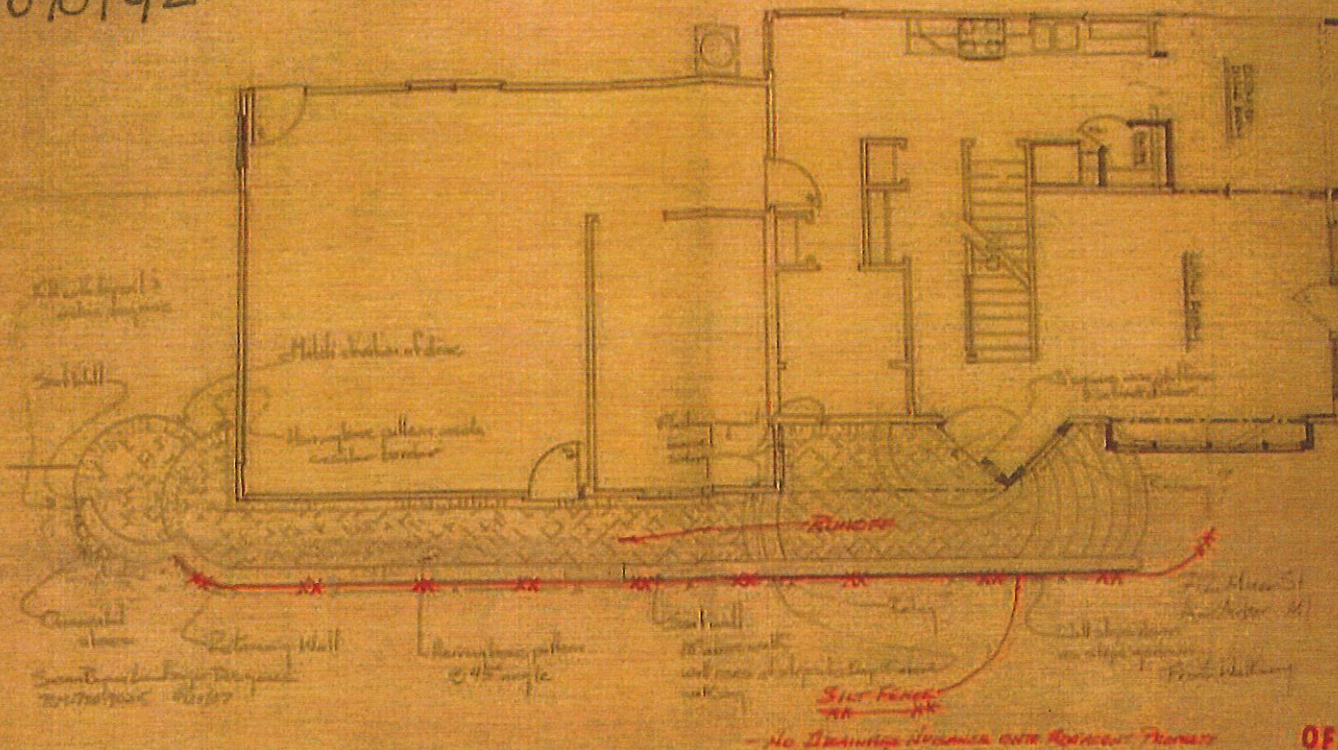








Permit PG-070142.



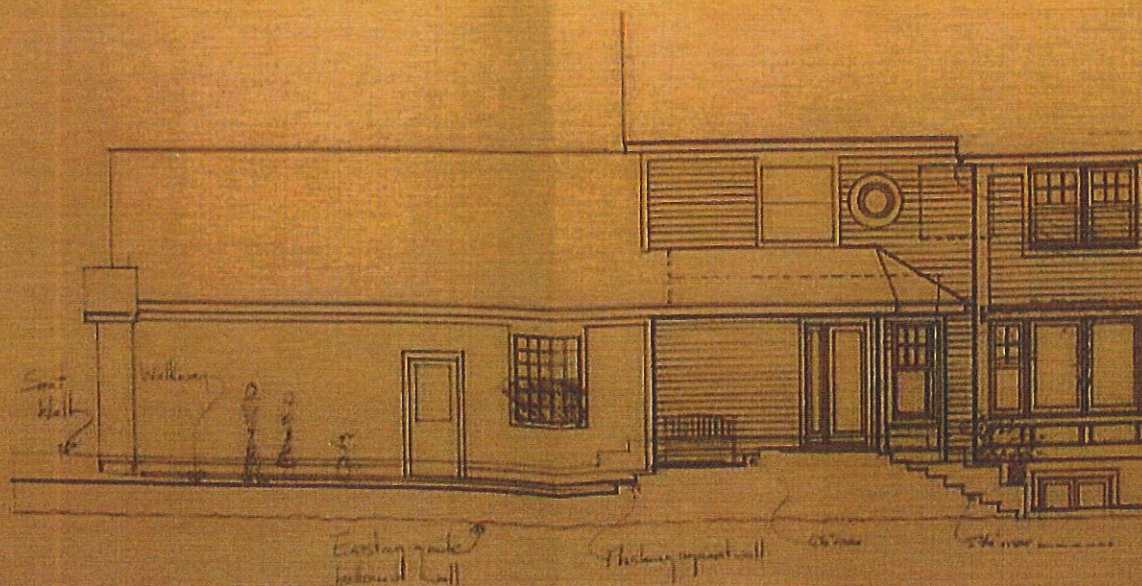
- No Drainage Downer into Adjacent Property

OFFICE COPY

GRADING COPY

SUPPLEMENT  
ATTACHED

This plan MUST  
be on site when  
inspection is made.  
Otherwise inspection  
will not be made.



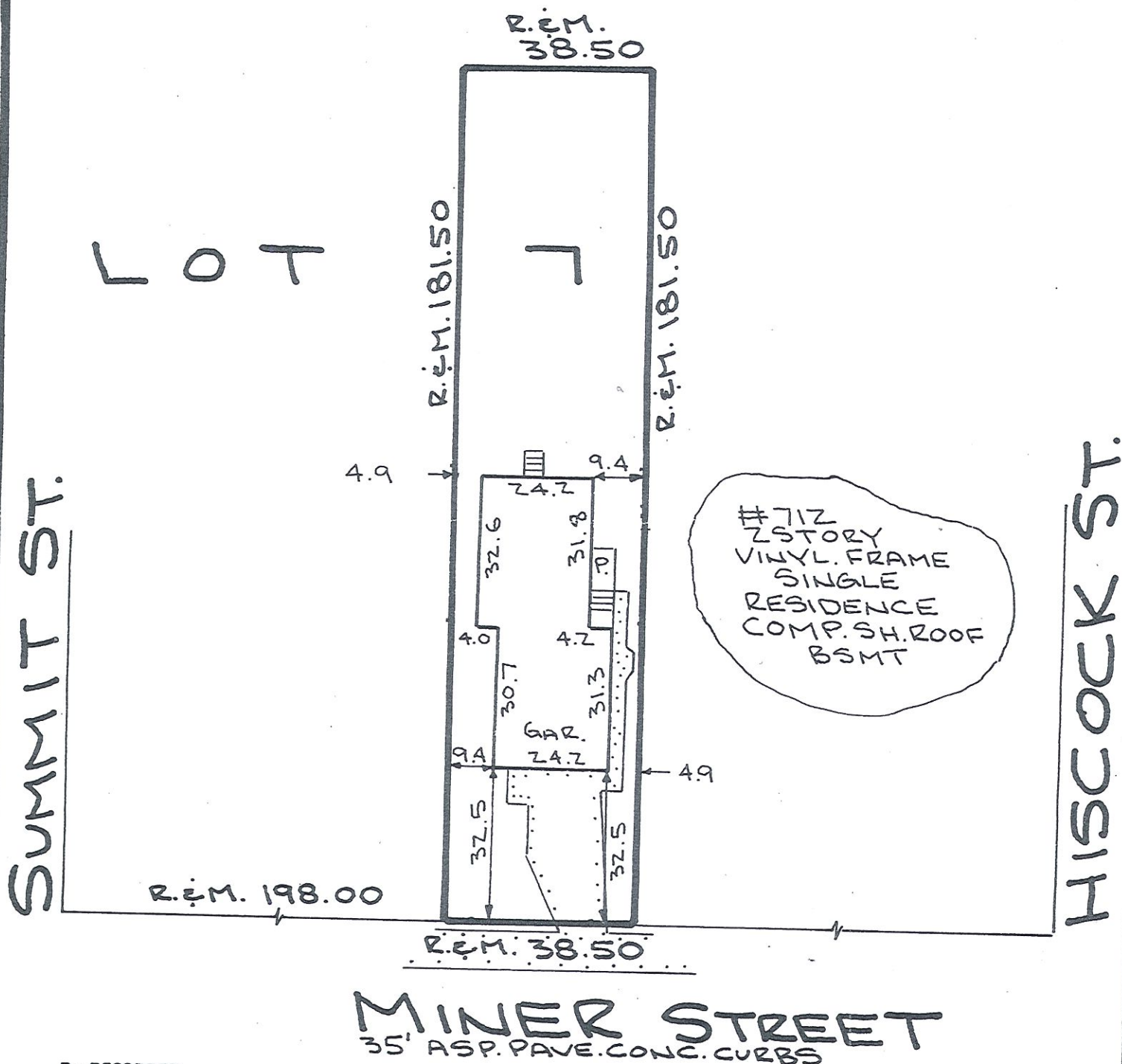
RIGHT SIDE ELEVATION

712 Miller St.  
Ann Arbor, MI  
Front Walking

07.24.2007



SOUTH 38.5 FEET OF THE NORTH 77.00 FEET OF LOT 7 OF  
BLOCK 2 OF "HISCOCK'S ADDITION" TO THE CITY OF ANN  
ARBOR, AS RECORDED IN LIBER 45 OF PLATS ON PAGES  
160 AND 161. SUBJECT TO EASEMENTS AND RESTRICTIONS  
OF RECORD.



R = RECORDED  
M = MEASURED  
C = CALCULATED  
± = MORE OR LESS

We hereby certify that the building or buildings shown are located entirely on said described property and do not encroach on adjoining lands nor do adjacent buildings encroach on said described property except as shown. This is for mortgage purposes only and no property corners have been set by us. Distances shown are not to be used for building of structures or fences.

CERTIFY TO ALL TITLE COMPANIES.

REVISED 10 Nov 95

## MORTGAGE REPORT

CERTIFY TO:

MORTGAGOR:

#004-060-2708  
GREAT LAKES BANCORP  
CARY F. KOCHER AND  
SUSAN J. BARTMAN

DATE

23 Nov 94

JOB NO.

94-11-96

SCALE

1" = 30'



ROSKELLY, JEKABSON & ASSOCIATES, P.C.

Professional Land Surveyors

888 Sheldon, Plymouth, MI 48170

313-455-8000 Fax 313-455-6938

by Robert P. Roskelly

DRAWN

MICK

CHECKED

C

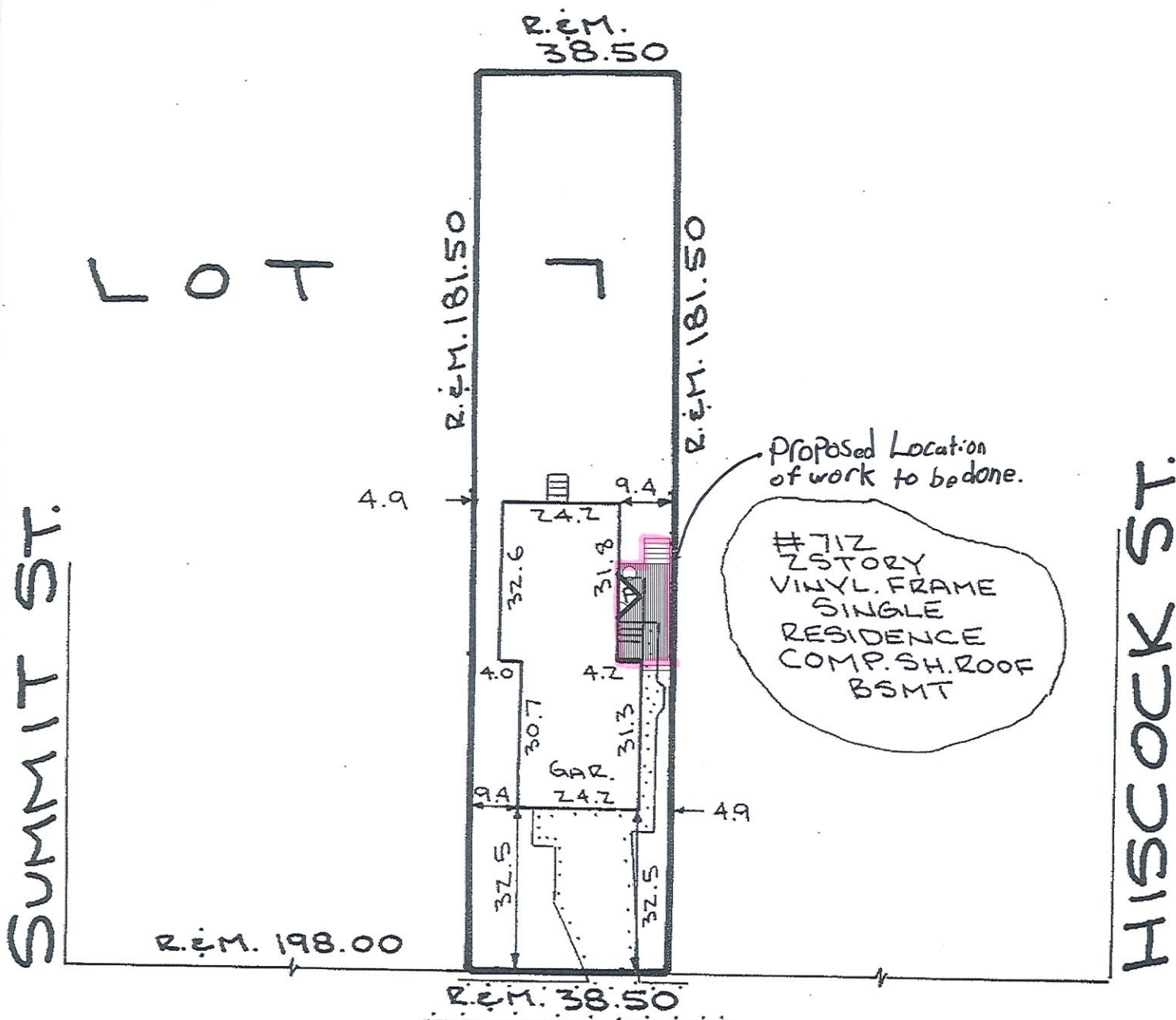
SHEET

10F1





SOUTH 38.5 FEET OF THE NORTH 77.00 FEET OF LOT 7 OF  
BLOCK 2 OF "HISCOCK'S ADDITION" TO THE CITY OF ANN  
ARBOR, AS RECORDED IN LIBER 45 OF PLATS ON PAGES  
160 AND 161. SUBJECT TO EASEMENTS AND RESTRICTIONS  
OF RECORD.



**MINER STREET**  
35' ASP. PAVE. CONC. CURBS

R = RECORDED  
M = MEASURED  
C = CALCULATED  
± = MORE OR LESS

We hereby certify that the building or buildings shown are located entirely on said described property and do not encroach on adjoining lands nor do adjacent buildings encroach on said described property except as shown. This is for mortgage purposes only and no property corners have been set by us. Distances shown are not to be used for building of structures or fences.

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REVISED 10 NOV 95



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DATE  
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94-11-96  
SCALE  
1" = 30'



ROSKELLY, JEKABSON & ASSOCIATES, P.C.  
Professional Land Surveyors  
888 Sheldon, Plymouth, MI 48170  
313-455-8000 Fax 313-455-6938

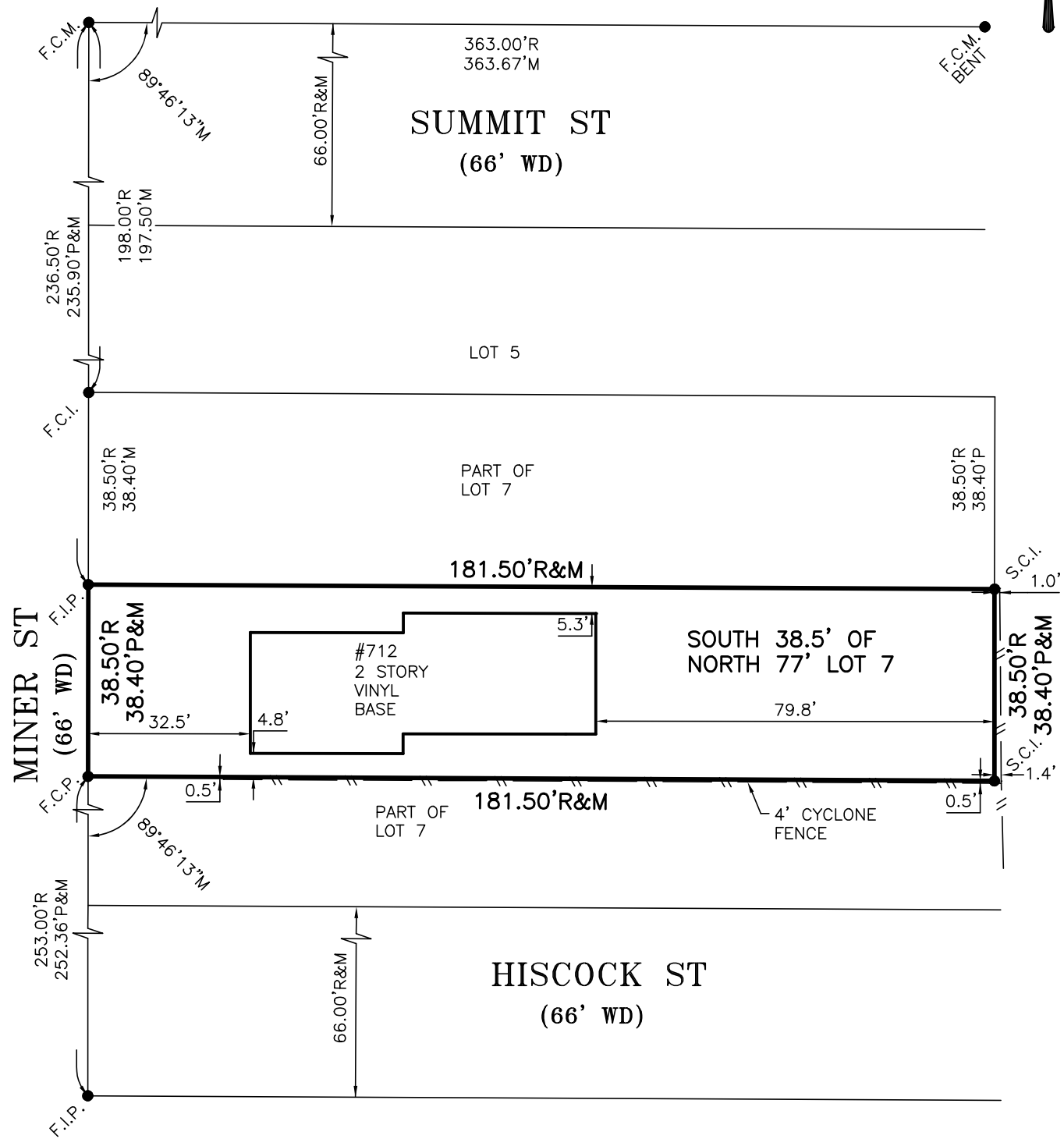
by Robert P. Roskelly

DRAWN  
MICK  
CHECKED  
←  
SHEET  
1 OF 1

Bartman Residence  
712 Miner Street  
Ann Arbor Michigan 48103



CERTIFICATE OF SURVEY



LEGAL DESCRIPTION

SOUTH 38.50 FEET (PRORATED AT 38.40') OF THE NORTH 77.00 FEET (PRORATED AT 76.80 FEET) OF LOT 7 OF BLOCK 2 OF HISCOCK'S ADDITION TO THE CITY OF ANN ARBOR, AS RECORDED IN LIBER 45 OF PLATS, PAGES 160 - 161 WASHTENAW COUNTY RECORDS.

LEGEND

|                    |        |
|--------------------|--------|
| RECORDED           | R.     |
| MEASURED           | M.     |
| PRORATED           | P.     |
| CALCULATED         | C.     |
| SET IRON           | S.I.   |
| FOUND IRON         | F.I.   |
| FOUND CONC. MON.   | F.C.M. |
| POINT OF BEGINNING | P.O.B. |



SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE LAND ABOVE PLATTED AND/OR DESCRIBED ON 07/15/2020 AND THAT THE RATIO OF CLOSURE ON THE UNADJUSTED FIELD OBSERVATIONS OF SUCH SURVEY WAS LESS THAN 1/5000 AND THAT ALL REQUIREMENTS OF P.A. 132 OF 1970 HAVE BEEN COMPLIED WITH.

*Greg L. Ash*  
GREG L. ASH, P.L.S. #28400



8495 N. TERRITORIAL RD.  
PLYMOUTH, MI 48170  
PHONE: (734) 416-9650  
FAX: (734) 416-9657  
www.glasurveyor.com

CLIENT:  
TERRAFIRMA  
3780 EAST MORGAN RD  
YPSILANTI, MI 48197

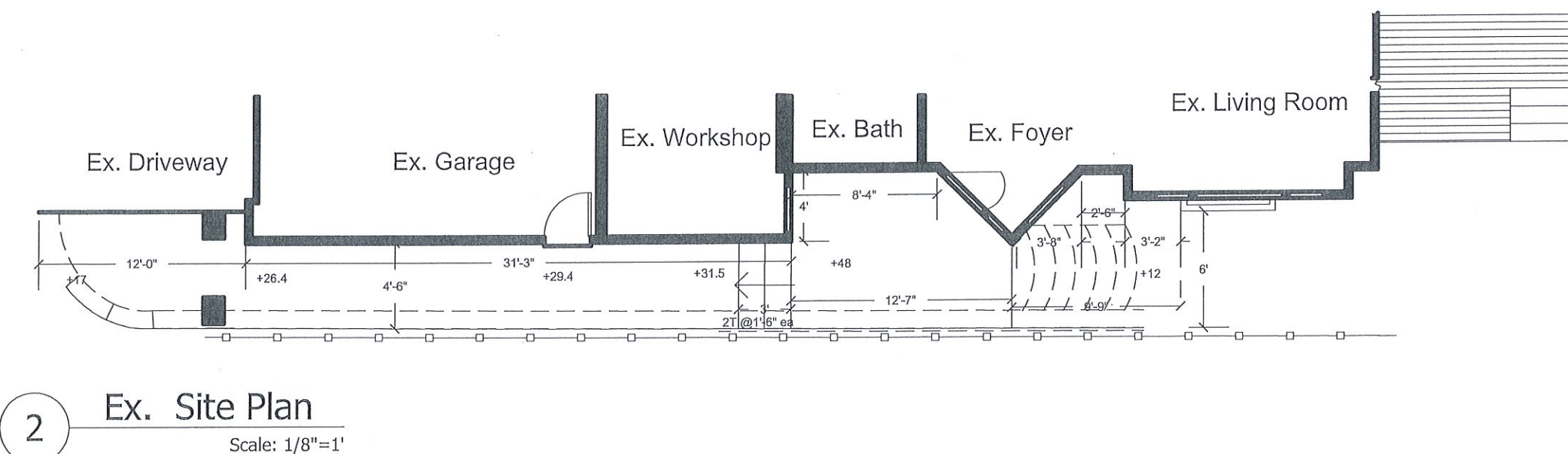
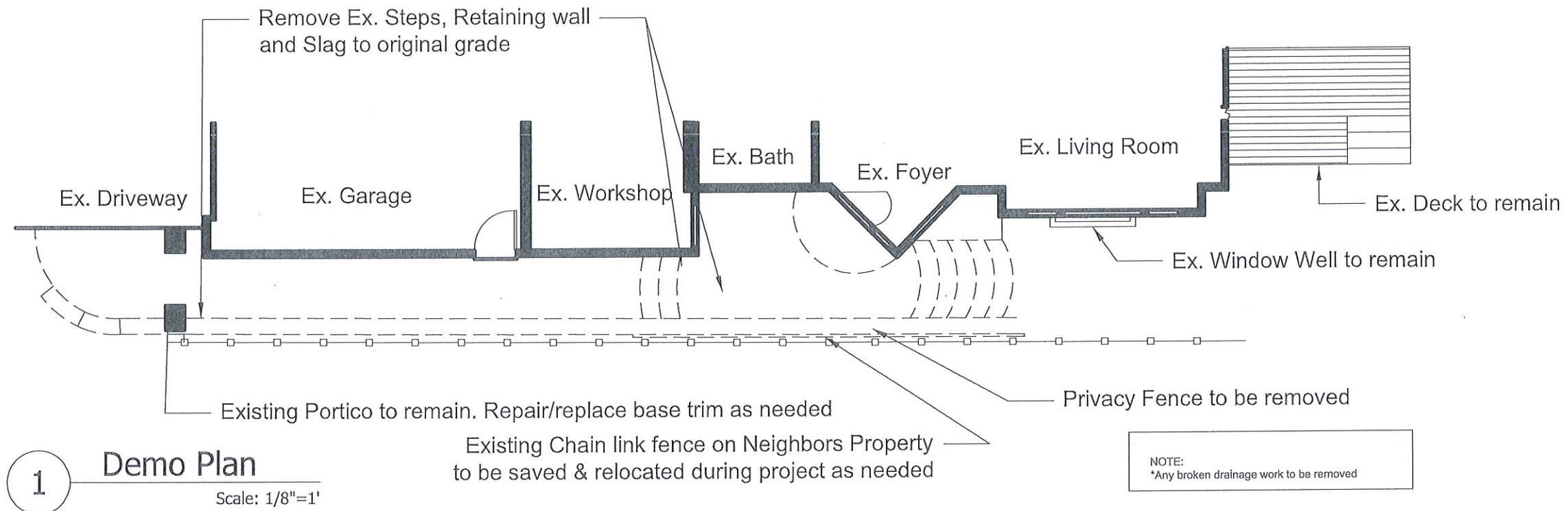
DATE: 07/17/2020  
JOB NO.: 2434-007  
FILE NO.: 2434-007

SCALE: 0' 30' 60'  
1" = 30'

SHEET:  
1 OF 1

DRAWN BY:  
BGW





# Terrafirma

David B. Silverman, R.L.A.  
President  
3780 East Morgan Road | Ypsilanti, MI 48197  
Phone: 734-434-3811 | Fax: 734-434-2830  
Toll Free 866-789-3276 | Irish Hills: 517-592-3811  
Web: <http://www.terrafirmalandscape.net>  
Email: [dsilverman@terrafirmalandscape.net](mailto:dsilverman@terrafirmalandscape.net)



NAME: DATE:  
LICENSE NO.

| ISSUE | BY | DATE | DESCRIPTION |
|-------|----|------|-------------|
|       |    |      |             |
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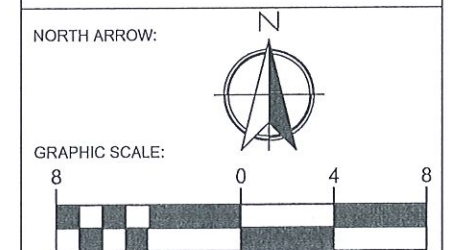
PROJECT: Kocher- Bartman  
Residence  
712 Miner St.  
Ann Arbor Mi

SHEET TITLE:  
Demo Plan

| BLDG. NO. | DSR. NO. | DRAWN BY     |
|-----------|----------|--------------|
|           |          | Alex Glasser |
| SCALE     | DATE     | CHECKED BY   |
| 1/8"=1'   | 6-8-2020 | CHECKED      |

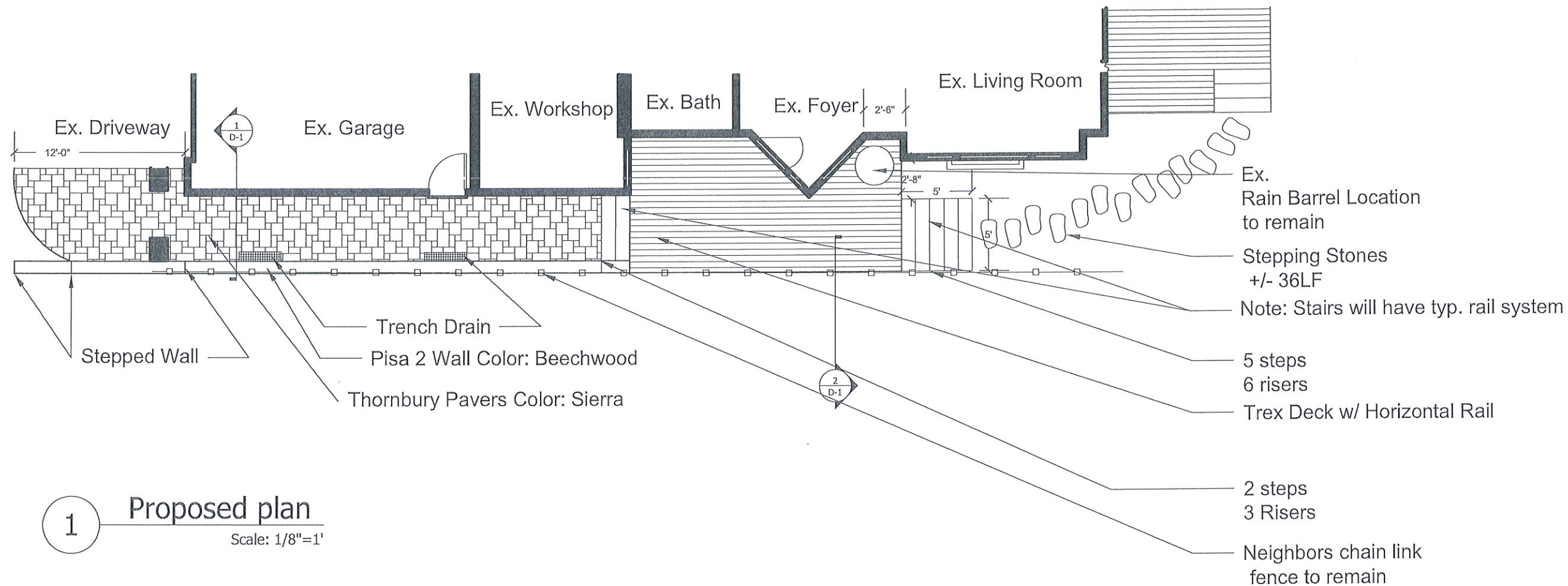
PROJ. NO:

DRAWING TITLE  
A-1

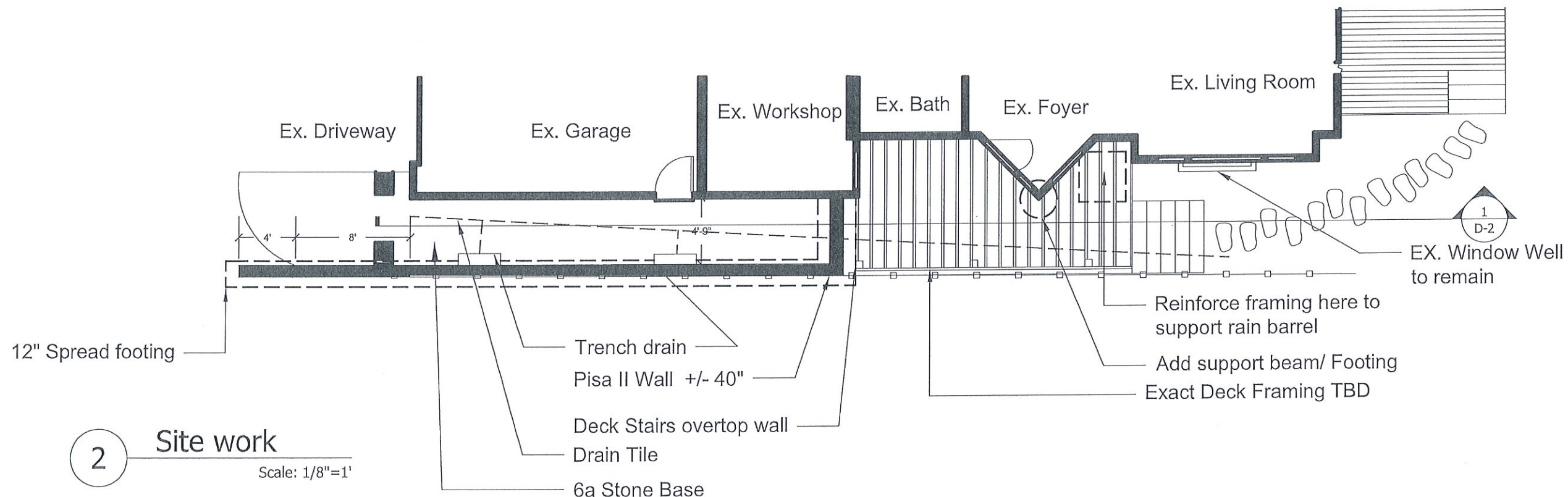


1/8 inch = 1 ft.





1 Proposed plan  
Scale: 1/8"=1'



2 Site work  
Scale: 1/8"=1'

## Terrafirma

David B. Silverman, R.L.A.  
President  
3780 East Morgan Road | Ypsilanti, MI 48197  
Phone: 734-434-3811 | Fax: 734-434-2830  
Toll Free 866-789-3276 | Irish Hills: 517-592-3811  
Web: <http://www.terrafirmalandscape.net>  
Email: [dsilverman@terrafirmalandscape.net](mailto:dsilverman@terrafirmalandscape.net)



NAME: \_\_\_\_\_ DATE: \_\_\_\_\_  
LICENSE NO. \_\_\_\_\_

| ISSUE | BY | DATE | DESCRIPTION |
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PROJECT: Kocher- Bartman  
Residence  
712 Miner St.  
Ann Arbor Mi

SHEET TITLE:  
Proposed Plan

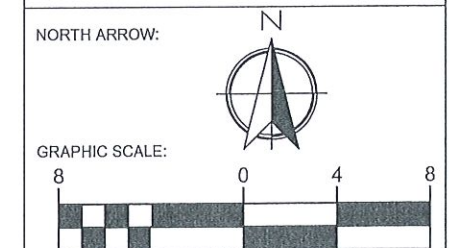
|                  |                  |                          |
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| BLDG. NO.        | DSR. NO.         | DRAWN BY<br>Alex Glasser |
| SCALE<br>1/8"=1' | DATE<br>6-8-2020 | CHECKED BY<br>CHECKED    |

PROJ. NO:

DRAWING TITLE

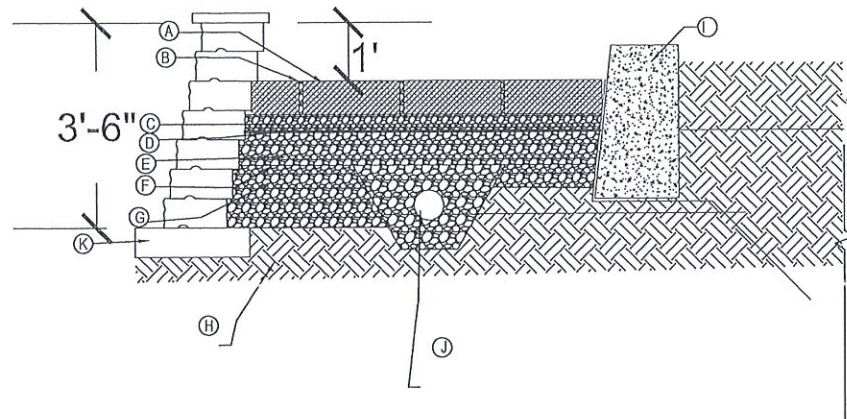
B-1

NORTH ARROW:



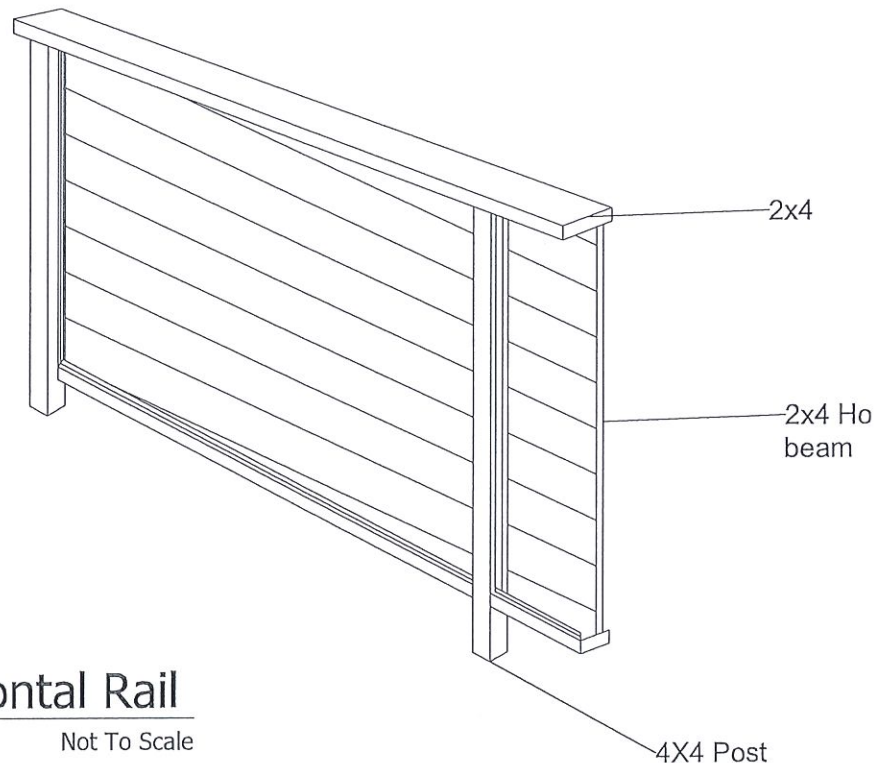
1/8 inch = 1 ft.



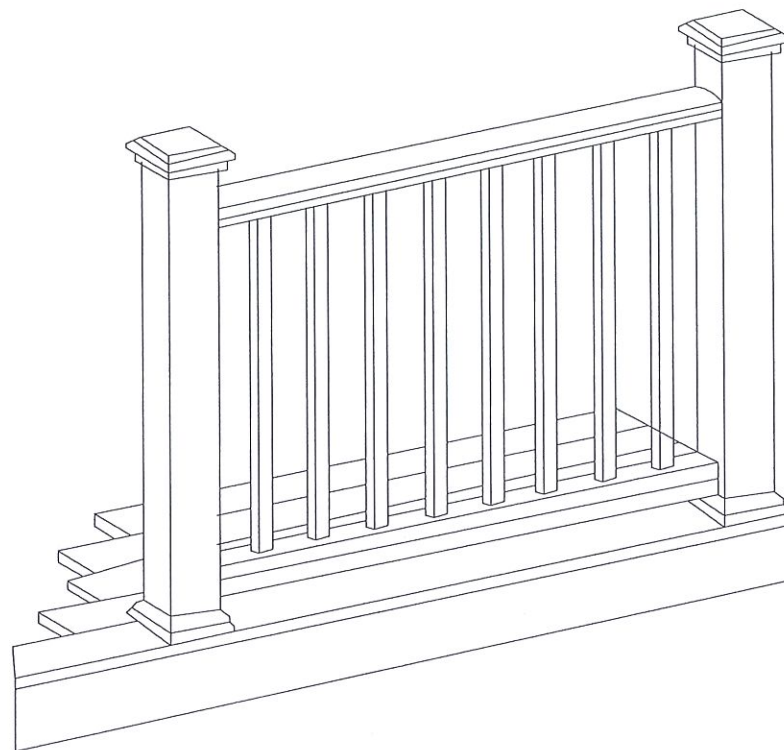


- LEGEND:
- A PERMEABLE PAVER FROM TECO-BLOC or UNILOCK, 2 3/8" TO 3 15/16" (60 TO 100 MM) THICK
  - B JOINT FILLING MATERIAL,
  - C BEDDING COURSE, 2" (50 MM) THICK NO. 8 STONE
  - D Geogrid
  - E BASE COURSE, 4" (100 MM) THICK NO. 6a STONE
  - F SUBBASE COURSE, THICKNESS AS PER DESIGN
  - G GEOTEXTILE
  - H SUBGRADE
  - I HOUSE FOUNDATION
  - J PERFORATED SOLID PVC DRAIN SPACED AND SLOPED TO DRAIN STORED WATER AWAY FROM HOUSE AND PATIO
  - K typ. Concrete Footing 12" min. wide Bear undisturbed soil. Min 42" below grade Typical.
- NOTES:
1. INSTALLATION TO BE COMPLETED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.
  2. DO NOT SCALE DRAWING.
  3. THIS DRAWING IS INTENDED FOR USE BY ARCHITECTS, ENGINEERS, CONTRACTORS, CONSULTANTS AND DESIGN PROFESSIONALS FOR PLANNING PURPOSES ONLY. THIS DRAWING MAY NOT BE USED FOR CONSTRUCTION.
  4. ALL INFORMATION CONTAINED HEREIN WAS CURRENT AT THE TIME OF DEVELOPMENT BUT MUST BE REVIEWED AND APPROVED BY THE PRODUCT MANUFACTURER TO BE CONSIDERED ACCURATE.

1 PERMEABLE PAVERS (PARTIAL INFILTRATION)  
**1 Permeable Pavers**  
Not To Scale



3 **Horizontal Rail**  
Not To Scale



2 **Trex Railing**  
Not To Scale

## Terrafirma

David B. Silverman, R.L.A.  
President  
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NAME: \_\_\_\_\_ DATE: \_\_\_\_\_  
LICENSE NO. \_\_\_\_\_

| ISSUE | BY | DATE | DESCRIPTION |
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PROJECT:  
**Kocher- Bartman  
Residence  
712 Miner St.  
Ann Arbor Mi**

SHEET TITLE:  
**Details**

|                       |                  |                          |
|-----------------------|------------------|--------------------------|
| BLDG. NO.             | DSR. NO.         | DRAWN BY<br>Alex Glasser |
| SCALE<br>Not To Scale | DATE<br>6-8-2020 | CHECKED BY<br>CHECKED    |

PROJ. NO:

DRAWING TITLE  
**D-1**

NORTH ARROW:

GRAPHIC SCALE:



Terrafirma

David B. Silverman, R.L.A.  
President  
3780 East Morgan Road | Ypsilanti, MI 48197  
Phone: 734-434-3811 | Fax: 734-434-2830  
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Email: [dsilverman@terrafirmalandscape.net](mailto:dsilverman@terrafirmalandscape.net)

Terrafirma

Landscape Contracting, Irrigation, Licensed  
Builders & Contractors

NAME:DATE:

LICENSE NO.

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| ISSUE | BY | DATE | DESCRIPTION |

PROJECT:

Kocher- Bartman  
Residence  
712 Miner St.  
Ann Arbor Mi

SHEET TITLE:

Details

|                       |                  |                          |
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| BLDG. NO.             | DSR. NO.         | DRAWN BY<br>Alex Glasser |
| SCALE<br>Not To Scale | DATE<br>6-8-2020 | CHECKED BY<br>CHECKED    |

PROJ. NO:

DRAWING TITLE

D-2

NORTH ARROW:

GRAPHIC SCALE:

1

Section 1

Not To Scale

Terrafirma

David B. Silverman, R.L.A.  
President  
3780 East Morgan Road | Ypsilanti, MI 48197  
Phone: 734-434-3811 | Fax: 734-434-2830  
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NAME: DATE:  
LICENSE NO.

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| ISSUE | BY | DATE | DESCRIPTION |

PROJECT:  
Kocher- Bartman  
Residence  
712 Miner St.  
Ann Arbor Mi

SHEET TITLE:  
Lighting Plan

|                  |                  |                          |
|------------------|------------------|--------------------------|
| BLDG. NO.        | DSR. NO.         | DRAWN BY<br>Alex Glasser |
| SCALE<br>1/8"=1' | DATE<br>6-8-2020 | CHECKED BY<br>CHECKED    |

PROJ. NO:

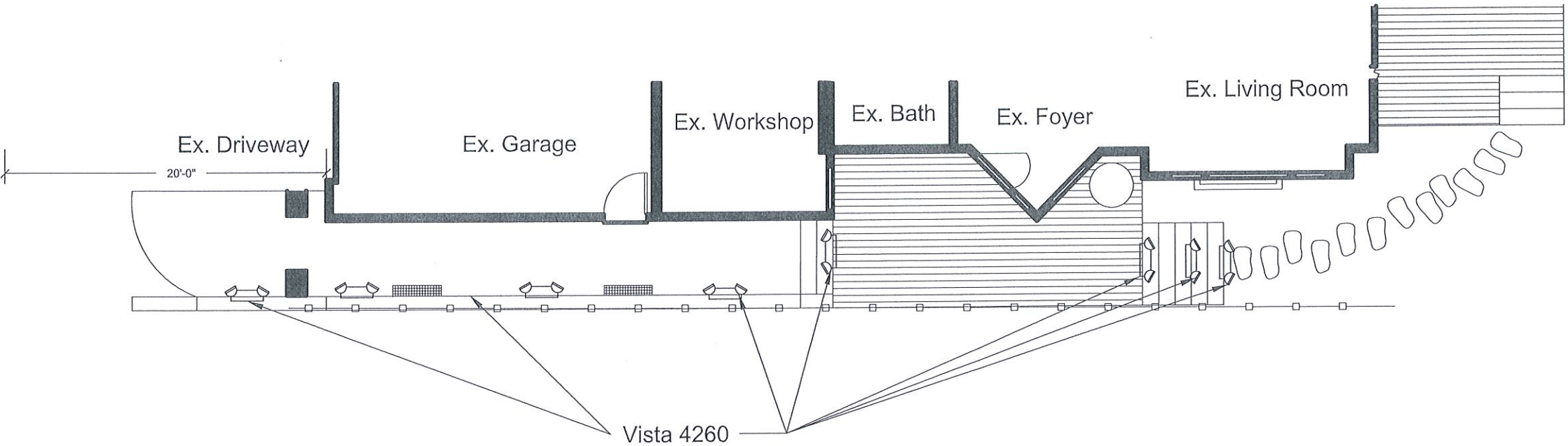
DRAWING TITLE

B-2

NORTH ARROW:

GRAPHIC SCALE:

1/8 inch = 1 ft.











NO SOLICITING













NO SOLICITORS