

Dear Kristen,

Attached is our **REVISED** letter to the members of the Ann Arbor Zoning Board concerning

ZBA 20-5: # 7 Ridgeway - case to be heard at AAZB mtg of 24 June

I'd be grateful if you could pass on our letter to the members of the AAZB and please confirm that you got the letter with this request. Many thanks, and

All best wishes,

Gillian (Feeley-Harnik)

Members of the Zoning Board of Appeals
City of Ann Arbor
Larcom City Hall – 301 East Huron St.
Ann Arbor, MI 48104

19 June 2020

ADDENDUM to: Harnik & Harnik letter (BELOW) of 16 April 2020 re: ZBA 20-005: 7 Ridgeway

Dear Members of the Ann Arbor Zoning Board,

We live at 4 Ridgeway Street, across the street from # 7 Ridgeway.

We are **WHOLLY OPPOSED** to the McKinley/Burroughs' appeal for reduced setbacks for the reasons listed in our original letter of April 16th and the reasons listed in this Addendum, based on **new data** found since the postponement of the ZB's April 22nd meeting to June 24th.

1. Deed retrictions mandating forty-foot setbacks for # 3 and # 7 Ridgeway. (Source: Malcolmson Land Division – 3 Ridgeway West – Filed 3/29/94 – File# 9284M18.8. PDF available from Kraig Salvesen)

The deed retrictions mandating forty-foot setbacks for # 3 and # 7 Ridgeway are presented in detail in the June-letter to the AAZB from Kraig Salvesen (# 3), and summarized in the June-letters from John and Barbara Markley (# 21) and Harold Borkin (# 18), so I won't repeat them here.

The AA city officials intended these restrictions to preclude any future appeals reducing the setbacks of #3 and # 7 Ridgeway. Liberty Title's current attorney affirmed in writing to Kraig Salvesen (# 3, see his communications) Liberty Title's commitment to the AA City officials' 1994-position.

Margaret McKinley herself was committed to those restrictions, as shown by her letter of 3 May 1994 cited in Kraig Salvesen's letter to the AAZB, **and** in an email she sent to us on 1 June 2019 (before the trees on # 7 were suddenly cut down). Margie stated in the email: "my architect sketched out a charming home for me that would fit [the existing setbacks]." We had always been good neighbors, and we hoped that Margie would return.

We understood when Margie's plans to return had to change, but we were surprised and deeply disappointed to get a letter from Margie dated 25 February 2020 announcing that she planned to appeal the setbacks on # 7 to the AAZB, implying that the appeal (to make room for a bigger house) would protect us because, "if I don't request a variance, the new buyer may request much more." Margie enclosed a form-letter to the AAZB approving the setbacks, which we could sign and send to the AAZB. In fact, both letters proved to be form letters, since Margie had sent them to at least one other immediate neighbor.

If you – as members of the current AA Zoning Board – concur that the restrictions, which the AA City officials saw as binding in May 1994, that Margaret McKinley took as binding then and, seemingly, in June 2019, are still binding in June 2020, then there is no need to read further.

But if you in June 2020 believe that the possibility of setbacks is still open, as Margaret McKinley clearly does in her letter of 25 February 2020, **then PLEASE READ the many other reasons here and in our April 22-letter below for why we are totally opposed to reducing the setbacks on # 7 Ridgeway Street.**

2. A local-history-claim that AA city originally built the retaining wall fronting # 3 Ridgeway – perhaps in the 1920s - to protect the newly asphalted Ridgeway Street. (Source: Duff/#4 oral history of 1990, PDF available from Harniks/#4).

Dr. Ivan Duff and Betty Ann Duff (former owners of # 4), with Don and Anne Munro (# 14) on 19 June 1990, did a short oral history of the Ridgeway neighborhood, drawing on information from other residents as well. (Source: PDF available from Harnik/#4.)

Their oral history states that in the 1920s (or perhaps early 1930s), when AA City asphalted the then-gravel “Ridgeway road,” it also built retaining walls to protect the roadway. The Duff-Munro document states: "Ridgeway was a narrow, gravel road but there was a sidewalk. East Ridgeway is two feet wider than West Ridgeway. When the street was resurfaced the City was persuaded to take out the sidewalk and put in retaining wall."

These walls still front # 3 Ridgeway (built 1921, current owner: Salvesen) and # 25 Ridgeway (built 1934?, current owner: Coffins).



Caption: Photos of June 18-19 showing the whole wall in front of # 3 and part of # 7 Ridgeway and the boundary line established in the May 1994 divide of # 7 from # 3 Ridgeway, marked by the wooden sticks from tip of blue AA City boundary stake in roadway. (Photos: Feeley-Harnik).

Our inquiries to AA Public Works concerning archival records on roadwork on Ridgeway in the 1921-1934 period (the most likely years), are as yet unanswered. The early deeds of the Salvesen, Coffins and Markleys properties make no mention of these walls, though Salvesen’s earliest deeds (1921, 1922, in the Washtenaw County Registry of Deeds) do mention the sidewalk.

The relevance of the Duff-Munro testimonies of June 1990 that AA City built the retaining walls to protect the roadway from the land-houses of # 3 and # 25 from slipping into Ridgeway, simultaneously protecting the land-houses from slippage, is outlined in our letter of 16 April 2020 below. In short: the property line used to create a "buildable" # 7 Ridgeway separate from # 3 Ridgeway was placed some 10 feet into the retaining wall that protects the land/house on # 3 Ridgeway **and** adjacent roadway in order to get the required minimum square footage defining a buildable lot. If AA City built these walls, then AA City’s interest in the roadway should be an additional factor to consider in evaluating the # 7 appeal.

PLEASE READ the additional reasons we are wholly opposed to appealing the setbacks on # 7 listed in our April 16th letter to the Zoning Board, which follows. With many thanks,
Alan Harnik and Gillian Feeley-Harnik

HARNIKS’ LETTER TO THE MEMBERFS OF THE AAZB OF 16 April 2020

Mr. Jon Barrett, Zoning Coordinator, and Members of the AAZB
 Zoning Board of Appeals
 City of Ann Arbor
 Larcom City Hall – 301 East Huron St.
 Ann Arbor, MI 48104

16 April 2020

RE: ZBA 20-005: 7 Ridgeway St. Owner Margaret McKinley (c/o Robert Burroughs, architect at O/X Studio, Ann Arbor) appeal for a variance reducing setbacks in front (40 to 30 feet) and in back (30 to 20 feet) of # 7 Ridgeway.

Dear Mr. Barrett and Members of the Ann Arbor Zoning Board,

We live at 4 Ridgeway Street, just across the street from # 7 Ridgeway.

The McKinley/Burroughs’ appeal is based on two main arguments in this sequence:

1. a house-builder on this plot should have the right to the same large house as the other houses in this neighborhood, “a residence in commensurate scale and area to the adjoining neighborhood” (thumbnail-page 5 of PDF).
2. AND the right to enjoy the beautiful environment of its location in this neighborhood.

We are **WHOLLY OPPOSED** to McKinley/Burroughs’ appeal for reduced setbacks front and back for the following reasons, listed here in brief and amplified in what follows.

A. The two arguments are directly contradictory to one another. The large-house argument, which comes first, will in fact OBLITERATE more green space on the lot itself AND for all the five households immediately around it. (And the main intent of the large-house argument at this point seems to justify a high price for the lot alone.)

B. the appeal’s argument about average sizes of households in the Ridgeway neighborhood misrepresents (if not deliberately) the MIX OF SIZES – LARGE-MEDIUM-SMALL in this neighborhood, mostly (except the two recently built), tailored to their lot sizes.

C. The appeal misrepresents the relationship of lot #7 to lot #3, the lot-house adjacent to its south border, **wrongly stating** (thumbnail-page 5 of PDF) that “The property to the south is fronting Geddes” as evidence of what it claims is a “key practical difficult[y]” for the #7-owner, that “Essentially [# 7] abuts two rear yards and is the only property on this [west]side of the Ridgeway peninsula that fronts towards the west for access to the property. The statement is **false**; # 3 fronts west on Ridgeway, house and driveway alike, presenting **absolutely no practical difficulty** for # 7-owner.

D. The appeal **wholly ignores one of the most severe impacts** of the proposed setbacks on lot #3 to the south, namely: The south boundary of lot # 7 actually extends some 12 feet into the retaining wall supporting the land/house on lot # 3, and appears to have been drawn so far inside # 3’s retaining wall precisely in order to make lot # 7 buildable at all).

HERE ARE OUR REASONS IN MORE DETAIL.**A. Large House works against the unique Green Setting of Ridgeway neighborhood adjacent to the Aboretum**1. The Ridgeway neighborhood is unique in Ann Arbor in its proximity to the Aboretum

As the McKinley-Burroughs' document suggests, the tiny Ridgeway Street neighborhood is **unusual in Ann Arbor** in combining an almost rural setting with walking-distance proximity to the University of Michigan and University of Michigan Hospital, where in fact the overwhelming majority of its years-long-residents have worked, some of them since the 1960s.

The Ridgeway neighborhood is **unique in Ann Arbor** in being adjacent to the University's Aboretum on its west, north, and east sides. Ridgeway street loops back to join Geddes Ave on the south.

In addition to their immediate proximity to the Aboretum, the Ridgeway houses have many green areas among them, giving them green-privacy even in their immediate surroundings.

2. Large-house-building in the Ridgeway neighborhood entails tree-removal and results in fence-building

1. Around 2018, following the building of # 19, the # 11-residents to its north got a variance from the AA Zoning Board to put up a 9-foot privacy fence between the two houses because the new #19-house towered over them so closely.

2. In summer 2018, following the sale of # 3 (McKinley to Salvesen), the owner of # 7 (McKinley) **cut down a large number of the old trees** on lot # 7, explaining in response to a panicked inquiry from the # 4-residents, that the many trees (around 10 trees, including mature trees) were all diseased and had to come down. The #21-residents on #7's north boundary then built an 5-foot fence along the entire boundary to restore the privacy to their yard, which the trees had once provided.

3. There are 6 trees remaining on # 7 lot: 4 in the middle of the lot and 2 in the south-west corner, adjacent to and just above the retaining wall of lot # 3 to the south. How will all those trees be preserved?

4. In addition, the 2 trees next to lot # 3's retaining wall appear to be in lot # 3 because those 2 trees, like the wall itself, help to anchor both the land and the house of lot # 3 in place. BUT IN FACT they are part of lot # 7 (SEE D. below).

B. The Ridgeway Street neighborhood is composed of a MIX of housing – large, medium, and small to quite small

McKinley-Burroughs' appeal argues that a #7 lot-builder should have a right to build a house just as large as the other houses in the neighborhood **regardless of the size of the lot itself**, an average house-size estimated at: 2147 square feet (thumbnail-page 4 in PDF).

The McKinley-Burroughs's appeal **is clearly intended to support a high price for the lot on the grounds that a large house can be built upon it**, disregarding the costs to the values of neighbors' properties that such a large house would entail.

The 13 houses/square footages listed on p. 4 includes 3 of the 4 very large houses, including the oldest (#16, built in 1920, at 2986 sf), the newest (# 22, built in 2019 at 2699 sf), and the street-through property (#21 at 2618 sf), **BUT NOT the 2 very smallest houses: # 33 at 1244 sf and # 41 at 1350 sf).**

If all 18 houses on Ridgeway are included, then their average square-footage is still around 2145. **HOWEVER**, the average square-footage obscures the fact that **housing in the Ridgeway neighborhood is MIXED**, ranging from 6 houses under 2000 feet (2 of them well under), 2 around 2000 sf, 6 around 2100-2200 sf, and 4 well above 2500 sf.

The recently-built large houses (# 19 and # 22) have achieved their large square-footages by building right out to the maximum allowed, but most of the houses in the neighborhood are **sized reasonably according to their lot size AND to preserve green space around them.**

C. The appeal misrepresents the relationship of lot #7 to lot #3, the lot-house adjacent to its south border, **wrongly stating** (thumbnail-page 5 of PDF) that “The property to the south is fronting Geddes” as evidence of what it claims is a “key practical difficult[y]” for the #7-owner, that “Essentially [# 7] abuts two rear yards and is the only property on this [west]side of the Ridgeway peninsula that fronts towards the west for access to the property. The statement is **false**; # 3 fronts west on Ridgeway, house and driveway alike, presenting **absolutely no practical difficulty** for # 7-owner.

PHOTO: # 3 Ridgeway fronting west on Ridgeway (front door is at far right of facade); driveway opens west on Ridgeway just beyond far end of retaining wall (photo:16 April 2020). **NOTE:** stone-rope in street marking boundary between #7 and # 3 (see D. below).



D. **The appeal wholly ignores one of the most severe impacts** of the proposed setbacks on lot #3 to the south, namely: **The south boundary of lot # 7 actually extends some 12 feet into the retaining wall supporting the land/house on lot # 3, and appears to have been drawn well inside # 3's retaining wall precisely in order to make lot # 7 buildable at all).**

Lots # 7 and # 3 were one lot when Margaret McKinley originally bought them some decades ago. McKinley was able to have them divided (despite neighborhood opposition) some twenty years ago by showing that lot # 7 was 7470 sf large, that is, 270 sf over the minimum 7200 defining a buildable lot according to AA Zoning regulations. (See this URL for the zoning ordinances on single-family houses in this R-1C district of Ann Arbor:

<https://www.a2gov.org/departments/planning/Documents/ADU/Single%20Two%20Family%20Zoning%20Quick%20Chart.pdf>

Lot # 7 achieves its buildable-lot-size by putting its southern boundary roughly 12 feet into the retaining wall supporting the land and house on adjacent lot # 3. (The retaining wall itself may be around a century old, dating to 1925, when the house # 3 was built, if not in its present concrete-reinforced form.)

Contrary to appearances suggesting that lot # 7's southern boundary is marked by the northwest corner of #3's retaining wall), lot # 7's southern boundary actually runs through # 3's retaining wall from west (a blue stake in the street) to the very back/east side of #3 lot.

PHOTOGRAPHS (and see photo above): SW corner of lot # 7 - blue stake in street (marked by rope and stone roughly 1 foot to right/south of tree above retaining wall - looking east to backs of lot #7 (on left) and lot/house # 3 (on right). House/lot # 25 in background. (Photos: 16 March 2020.)





Without that strip of land, roughly 12 feet wide and some 83 to 90 feet deep, lot # 3 would not be a buildable lot. (If 83 ft deep, then 996 sf; if 90 ft deep, then 1080 sf. It's impossible to read the exact depths of the lot on the tiny diagrams in the appeal.)

The single place where the actual boundary line through the retaining wall is shown in the McKinley-Burroughs' document is on the very last page (thumbnail-page 13 in the PDF) in the little black and white diagram in the lower right-hand corner: a fuzzy grey line at the bottom of the diagram that no one would recognize as the retaining wall for house # 3 unless they knew it was there. (The retaining wall is obscured by trees in the photograph on the AAZB's postcard.)

That b/w diagram is intended to show just how **large, the larger house enabled by the reduced front & back setbacks would be**, namely

- a. House # 7 would be roughly a quarter **wider** than the north side of house # 3, and
- b. set at edge of 5-foot setback on the sides of lot # 7, leaving just some 15 feet of separation between them.
- c. The length of the large-footprint # 7 would exceed the length of House # 25 at its back/east by roughly a quarter also.
- d. The height of a # 7- house (large or small) could still be the maximum allowable in this R-1C district of Ann Arbor: 30 feet, potentially 3 stories high (depending on ceiling-heights of 8-10 feet), towering over its neighbors on the east and south, and looming, if more distantly, over its neighbors across, and set below, Ridgeway on the west.

NOWHERE in the McKinley/Burroughs' document are any of these problems addressed.

Like our Ridgeway neighbors, we cherish our neighborhood for its distinctive qualities: in particular its green spaces combined with its proximity to the places where we work.

We urge you to hear why – based on all the reasons outlined above – we are **WHOLLY OPPOSED** to the McKinley-Burroughs' appeal for a variance, and we urge you to preserve the zoning regulations that have helped to maintain our green neighborhood, and not wear it down with variances.

Sincerely,

Gillian Feeley-Harnik
Professor Emerita, Anthropology
University of Michigan
Ann Arbor

Alan Harnik
President/Owner
Notes & Queries Fine Stationary
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