

From: Kraig Salvesen <kraig.salvesen@gmail.com>

Sent: Thursday, June 04, 2020 3:12 PM

To: Barrett, Jon <JBarrett@a2gov.org>

Subject: Updates re: 7 Ridgeway; process in the event of substantively revised appeal?

This message was sent from outside of the City of Ann Arbor. Please do not click links, open attachments, or follow directions unless you recognize the source of this email and know the content is safe.

Jon,

Hello, hope all is well since last we spoke. As a reminder, I am the resident of 3 Ridgeway, immediately adjacent to 7 Ridgeway. Thank you once again for handling the large volume of correspondence on the issue, and for answering my and my neighbors' questions promptly and clearly.

I am writing to share a few very brief updates on the matter based on work we, the neighbors, have continued to pursue; to ask whether you have heard anything new from the applicants, and also to ask a question regarding process in the event of a revised submission from McKinley et al. Please feel free to share this communication with fellow members of the ZBA if appropriate, and/or add to the file of record on the matter. I feel it best to be transparent with my current thinking and lines of argument arising from the 1994 materials in the event they may be of any use to the board or to any other parties having a stake in this discussion.

First, we have discovered that there is a 40-foot setback established by deed restriction on the property comprising 3 and 7 Ridgeway, historically held as one property (house and side-yard) prior to the 1994 subdivision. I will forward my correspondence with David Grigg, Esq., Liberty Title's in-house counsel and compliance officer confirming Liberty Title's commitment to that effect.

McKinley's request for variance conflicts with this restriction; in my capacity as a neighbor with an interest in the matter (and whose house was built subject to the same restriction), I'm writing to inform the Board that I would seek to enforce should a development be pursued with a lesser setback, and so hope that the Board would prevent this conflict from arising.

Interestingly, Ms. McKinley demonstrated her awareness of this restriction in the past as evidenced, for instance, **in her handwritten letter to the Board** dated 5/3/94: "...the Malcolmson house and any house that may someday be built on the adjacent property are required by deed restriction to be set back on the property farther than the 25-foot city requirement (40 feet from the westerly line of lot 13)" (p. 51 of the Malcolmson Land Division file). She then uses these restrictions to reassure the neighbors, as in the penultimate sentence of the same letter: "The setbacks... would reduce the size of the dwelling to one that would be compatible with the neighborhood." (p. 52, MLD file). (Note this is also a concession that the property is buildable with current zoning.)

Second, we wanted to call your particular attention to the "Ann Arbor Planning Department Staff Report", dated 4/28/94 and prepared in advance of the meeting on the Lot Division, MLD file pp. 44-46, which remarks that "**the Owner has been informed that the Planning Department will not support variances for development on this site.**" It was with this understanding, as a matter of written record contained in a departmental report, that the discussion and subsequent voting on the lot split took place. We wanted the ZBA to be made aware/reminded of this stipulation and hope it will be upheld by

the current Board, most particularly as this is a case of the very same individual, Ms. McKinley, petitioning the same board for relief of a situation she herself created. (Note that she identifies herself as the "prospective buyer" at whose behest the subdivision was pursued by Mrs. Malcolmson. Sale of the property closed two days after the subdivision was approved.)

Turning now to our process question for you: what advance visibility will we have of any changes the applicants make to their appeal? In the event of an entirely new submission I am confident we would be given adequate notice of their request, with time to review and respond to the materials as was the case with the original filing, but what if the appeal for variance proceeds under the same file/heading/"case number," but is allowed to be altered? How will we be notified of the update, and how much time will we have to review the updated materials and respond in writing prior to the June ZBA meeting? It seems only fair that we be given advance visibility of what McKinley and her team are requesting and in what terms. Witness the prior neighborhood outpouring of ~20 letters whose writers have demonstrated a strong interest in the matter – those writers all spent a good deal of time and effort scrutinizing McKinley's prior submission in the interest of facilitating a robust and thorough public debate, and so should have the right to apply the same standard of care to any revised appeal. What are the rules governing the process for a revised submission?

Thank you once again for your time and assistance; I will forward my communication with Liberty Title's in-house counsel momentarily as promised. Even absent updates from McKinley, her realtor Bob White or her architect, Burroughs, I do know that I and several of my nearest neighbors have more to say on the matter per research we have done in the intervening weeks, so in the event the appeal goes forward again (per the above, my strong feeling and that of my neighbors is that no variances should be allowed) I would expect to hear from many of us in writing once again prior to next month's meeting.

Best Regards,
–Kraig Salvesen
3 Ridgeway St.

Malcolmson Land Division

9284M18.8

#1

BEGIN

NEW

FILE

OTHER

File No: 9284M18.8 Filing Date: 3/29/94 Area: 0.42 Acre

Subject: Malcolmson Land Division

Location: 3 Ridgeway West

Petitioner(s) Margaret Malcolmson
3 Ridgeway West
Ann Arbor, MI 48104

Staff Recommendation: Approval

CPC Public Hearing: Held & Closed Date: 5/3/94

CPC Recommendation: Approval (7-0) Date: 5/3/94

City Council - Public Hearing: closed Date: 5/16/94

- Action: Carried Date: 5/16/94

File Assigned To: Andrea Brown

Karen Popek Hart
Planning Director

Close Out Date: 5/17/94 Date Map(s) Updated:

MEMORANDUM

TO: AATA
Airport
Ann Arbor Schools
✓ Assessor ✓
✓ Building ✓
Community Development
County Drain Commissioner
County Health
✓ Engineering ✓
✓ Fire ✓
Historic District Commission
Michigan Department of State Highways
and Transportation
✓ Parks ✓
Police
Solid Waste
✓ Transportation ✓
✓ Treasurer ✓
✓ Utilities ✓

Date: 3/30/94

File No.: 9284M18.8

Planning Staff Assigned: Andrea Brown

FROM: Planning Director

SUBJECT: Malcolmson Land Division -- 3 Ridgeway West

(Comments Due: 4/12/94)

Attached is a petition for your review and comment. Please return written comments to the Planning Department prior to the deadline listed above. If you have major concerns about the petition as proposed, please call the Planning Department and talk with the staff person assigned to review the petition (indicated above). A special departmental review meeting might then be scheduled to collectively resolve with the petitioner any major problems.

Attachment

4/27/92
KPH/lgh



BUILDING DEPARTMENT

CITY OF ANN ARBOR, MICHIGAN

100 North Fifth Avenue, P.O. Box 8647, Ann Arbor, Michigan 48107

Administration
Appeals Board
Construction
Environmental

994-2712
994-2696
994-2674
994-2711

Housing Bureau
Plan Review
Sign Enforcement
Zoning

994-2678
994-2685
994-2698
994-2687

March 17, 1994

Mrs Margaret Malcolmson
3 Ridgeway
Ann Arbor, MI 48104

Dear Mrs Malcolmson:


I have reviewed our records in response to your inquiry regarding a lot split and creation of a new buildable lot. The property is zoned RIC Single Family Residential. The zoning ordinance requires a minimum lot area of 7,200 square feet with a minimum lot width of 60 feet.

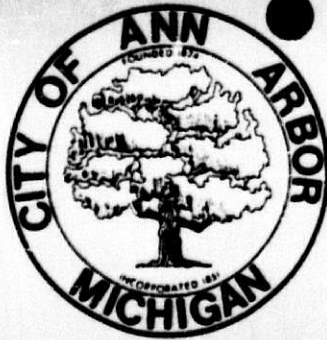
The parcel you wish to split off is the northern portion of your property, roughly 85 feet wide, with an average depth of 85 feet. The area of this parcel is approximately 7225 square feet.

The procedure to effectuate the lot split is to contact the Planning Department with your request.

If you have any further questions, please feel free to contact me at 994-2697. If you have specific questions regarding the lot split procedure, please contact the Planning Department at 994-2800.

Sincerely,


Jim DeWolf
Zoning Coordinator



BUILDING DEPARTMENT

CITY OF ANN ARBOR, MICHIGAN

100 North Fifth Avenue, P.O. Box 8647, Ann Arbor, Michigan 48107

**Administration
Appeals Board
Construction
Environmental**

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994-2674
994-2711**

**Housing Bureau
Plan Review
Sign Enforcement
Zoning**

**994-2678
994-2695
994-2698
994-2697**

July 19, 1993

**Mrs. Margaret Malcolmson
3 Ridgeway
Ann Arbor, MI 48104**

Dear Mrs. Malcolmson:

I have reviewed our records in response to your inquiry regarding a lot split and creation of a new buildable site. The property is zoned R1C - Single Family Residential. The zoning ordinance requires a minimum lot area of 7,200 square feet with a minimum lot width of 60 feet.

The parcel you wish to split is the northern portion of your property, roughly 75 feet wide, with a depth varying between 99 and 82 feet. The area of this parcel is approximately 6,800 square feet.

Since the area is less than that required by the zoning ordinance, the portion we discussed may not be considered a buildable site. There are alternatives available to you if you desire to pursue this further.

1. Provide a survey accurately measuring the area of the parcel. If this indicates the parcel meets the 7,200 square foot area requirement, it may then be split.
2. Seek a variance from the Zoning Board of Appeals on the minimum area requirement.
3. Adjust the property split so that the new parcel meets the minimum area requirements.

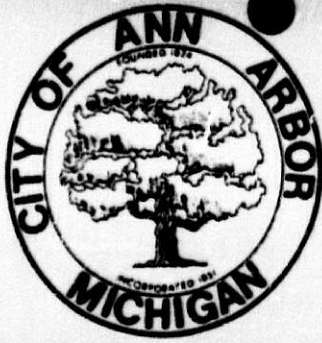
The latter may not be possible depending upon the location of your home on the parcel. Before final determination may be made, a survey would be needed to accurately locate your building on the property. If you have additional questions, please contact me.

Very truly yours,

**D. Jack Donaldson
Building Department Director**

DJD:jlb

malcomsa.719



BUILDING DEPARTMENT

CITY OF ANN ARBOR, MICHIGAN

100 North Fifth Avenue, P.O. Box 8647, Ann Arbor, Michigan 48107

Administration
Appeals Board
Construction
Environmental

994-2712
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994-2711

Housing Bureau
Plan Review
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994-2695
994-2696
994-2697

October 5, 1993

Ms. Margaret Malcolmson
3 Ridgeway
Ann Arbor, MI 48108

Dear Ms. Malcolmson:

The survey information you forwarded indicates it is possible to split your property, creating a buildable parcel and a complying parcel on which your house is located. This is the third alternative mentioned in my letter of July 19, 1993.

The procedure to effectuate the lot split is to contact the Planning Department with your request. I have enclosed a handout which explains the process and provides you the necessary information.

If you do not wish to pursue the lot split, please feel free to pass along this information to the purchaser. If I can be of further assistance, please contact me. If you have specific questions regarding the lot split procedure, please contact the Planning Department.

Very truly yours,

D. Jack Donaldson
Building Department Director

DJD:jlb

Attach.

3ridgway.105

LEGAL DESCRIPTIONS OF PARCELS A and B

MALCOLMSON LAND DIVISION

Parcel A

Situated in the City of Ann Arbor, Washtenaw County, Michigan, Lot 13, Assessor's Plat No. 14, except the North 8 feet and South 8 feet thereof, as recorded in Liber 8 of Plats, Page 53, Washtenaw County Records.

Parcel B

Situated in the City of Ann Arbor, Washtenaw County, Michigan, the North 8 feet of Lot 13 and the South 75 feet of Lot 14, Assessor's Plat No. 14, as recorded in Liber 8 of Plats, Page 53, Washtenaw County Records.

March 1994

MORTGAGE

THIS MORTGAGE ("Security Instrument") is given on October 14, 1993.
The mortgagor is Margaret Malcomson, a single woman
whose address is 3 Ridgeway West, Ann Arbor, MI 48104.

("Borrower"). This Security Instrument is given to the University of Michigan Credit Union, which is organized and existing under the laws of the State of Michigan, and whose address is P.O. Box 7850, Ann Arbor, Michigan 48107 ("Lender"). Borrower owes Lender the principal sum of ONE HUNDRED EIGHT THOUSAND AND NO/100 Dollars (U.S. \$ 108,000.00). This debt is evidenced by Borrower's note dated the same date as this Security Instrument ("Note"), which provides for monthly payments, with the full debt, if not paid earlier, due and payable on October 8, 2023. This Security Instrument secures to Lender: (a) the repayment of the debt evidenced by the Note, with interest, and all renewals, extensions and modifications; (b) the payment of all other sums, with interest, advanced under paragraph 6 to protect the security of this Security Instrument; and (c) the performance of Borrower's covenants and agreements under this Security Instrument and the Note. For this purpose, Borrower does hereby mortgage, grant and convey to Lender, with power of sale, the following described property located in Washtenaw County, Michigan:

* Situated in the City of Ann Arbor, Washtenaw County, Michigan, Lot(s) 13, except the South 8 feet thereof and the South 75 feet of Lot 14, Assessor's Plat No. 14 in the City of Ann Arbor, as recorded in Liber 8 of Plats, Page(s) 53, Washtenaw County Records.

Tax Code#09-28-401-008

which has the address of 3 Ridgeway West Ann Arbor
Michigan 48104 48104 ("Property Address"):
Street Zip Code City

TOGETHER WITH all the improvements now or hereafter erected on the property, and all easements, rights, appurtenances, rents, royalties, mineral, oil and gas rights and profits water rights and stock and all fixtures now or hereafter a part of the property. All replacements and additions shall also be covered by this Security Instrument. All of the foregoing is referred to in this Security Instrument as the "Property".

BORROWER COVENANTS THAT Borrower is lawfully seized of the estate hereby conveyed and has the right to mortgage, grant and convey the Property and that the Property is unencumbered, except for encumbrances of record. Borrower warrants and will defend generally the title to the Property against all claims and demands, subject to any encumbrances of record.

THIS SECURITY INSTRUMENT combines uniform covenants for national use and non-uniform covenants with limited variations by jurisdiction to constitute a uniform security instrument covering real property. Borrower and Lender covenant and agree as follows:

- 1. Payment of Principal and Interest; Prepayment and Late Charges.** Borrower shall promptly pay when due the principal of and interest on the debt evidenced by the Note and any prepayment and late charges due under the Note.
 - 2. Application of Payments.** Unless applicable law provides otherwise, all payments received by Lender under paragraph 1 shall be applied: first, to interest due under the Note; second, to late charges; and last, to principal due.
- Charges; Liens.** Borrower shall pay all taxes, assessments, charges, fines and impositions attributable to the property which may attain priority over this Security Instrument, and leasehold payments or ground rents, if any. Borrower shall pay these obligations on time directly to the person owed payment. Borrower shall promptly furnish to lender copies of amounts to be paid under this paragraph and receipts evidencing the payments.

3 Ridgeway West
Ann Arbor, Michigan 48104

March 29, 1994

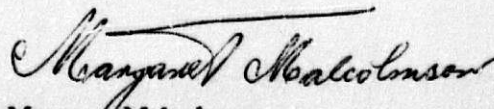
Karen Popek Hart, Planning Director
Ann Arbor City Planning Department
100 North Fifth Avenue
Ann Arbor, Michigan 48107

Re: Division of 3 Ridgeway West

Dear Ms. Hart:

Please accept this letter as application for the division of 3 Ridgeway West into two separate parcels, as shown on the enclosed survey. This application is at the request of the purchaser for this piece of property.

Sincerely,


Margaret Malcolmson

MEMORANDUM

DATE: April 13, 1994

TO: Cresson Slotten, P.E., Senior Project Engineer
Public Services - Engineering Division

FROM: Pete Perala, P.E., Utilities Engineer
Utilities - Field Services Division

SUBJECT: Malcolmson Land Division - 3 Ridgeway West
File No. 9284M18.8

We have reviewed the subject petition and have no comments.

PP\

cc: Craig Hupy, P.E., Superintendent, Field Services
Andrea Brown, City Planner II, Planning Department

U:\YGF\Public\WPNET\Pete\Malcolms.Div

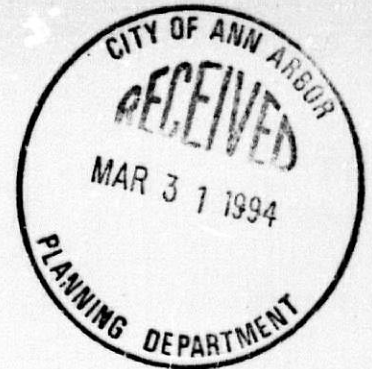
MEMORANDUM

TO: AATA
Airport
Ann Arbor Schools
Assessor
Building
Community Development
County Drain Commissioner
County Health
Engineering
Fire
Historic District Commission
Michigan Department of State Highways
and Transportation
Parks
Police
Solid Waste
Transportation
✓ Treasurer # 09-28-401-008
Utilities

Date: 3/30/94

File No.: 9284M18.8

Planning Staff Assigned: Andrea Brown



FROM: Planning Director

SUBJECT: Malcolmson Land Division -- 3 Ridgeway West

(Comments Due: 4/12/94)

Attached is a petition for your review and comment. Please return written comments to the Planning Department prior to the deadline listed above. If you have major concerns about the petition as proposed, please call the Planning Department and talk with the staff person assigned to review the petition (indicated above). A special departmental review meeting might then be scheduled to collectively resolve with the petitioner any major problems.

Attachment

4/27/92
KPH/lgh

MARCH 30, 1994

THERE ARE NO OUTSTANDING SPECIAL ASSESSMENTS ON THIS PARCEL.

CRIS BASS, TREASURER'S OFFICE

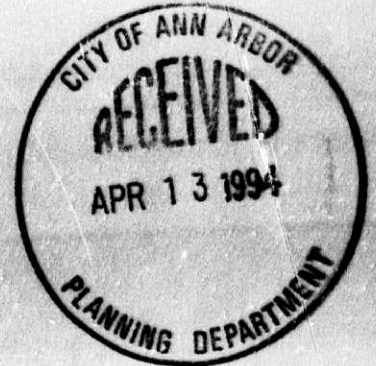
MEMORANDUM

TO: Andrea Brown
Planning Department

FROM: Leszek Sipowski *LS*
Transportation Division

DATE: April 12, 1994

SUBJECT: Malcolmson Land Division -- 3 Ridgeway West



I have no comments for the proposed site plan.

LS/sml (plan.lt)

T. Rayner

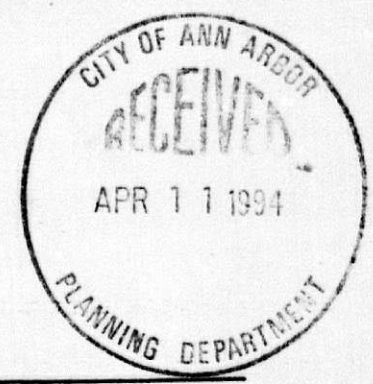
MEMORANDUM

TO: AATA
 Airport
 Ann Arbor Schools
 Assessor
 Building
 Community Development
 County Drain Commissioner
 County Health
 Engineering
 Fire
 Historic District Commission
 Michigan Department of State Highways
 and Transportation
 ✓ Parks
 Police
 Solid Waste
 Transportation
 Treasurer
 Utilities

Date: 3/30/94

File No.: 9284M18.8

TO: TO
 Planning Staff Assigned: → Andrea Brown



FROM: Planning Director

SUBJECT: Malcolmson Land Division -- 3 Ridgeway West

(Comments Due: 4/12/94)

Attached is a petition for your review and comment. Please return written comments to the Planning Department prior to the deadline listed above. If you have major concerns about the petition as proposed, please call the Planning Department and talk with the staff person assigned to review the petition (indicated above). A special departmental review meeting might then be scheduled to collectively resolve with the petitioner any major problems.

Attachment

no comments *TR Rayner* *3/31/94*

4/27/92
KPH/lgh



ENGINEERING

DIVISION

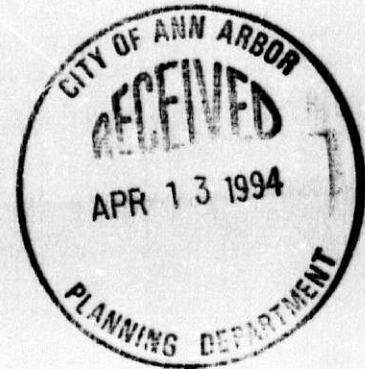
MEMORANDUM

DATE: April 11, 1994

TO: Wendy Rampson, Planner III
Planning Department

FROM: Steven A. Korth, Project Engineer ^{SAK}
Public Services Department - Engineering Division

RE: Malcolmson Land Division -- 3 Ridgeway West
File No. 9284M18.8



We have reviewed the referenced petition and have no comments.

SAK:pjs (malcolms.lot)

cc: Sabah H. Yousif, P.E., Chief Engineer
Cresson S. Slotten, P.E., Project Manager
Kathy Keinath, Project Engineer
Gus Haengel, Staff Civil Engineer

PUBLIC SERVICES DEPARTMENT

J DeWolff

MEMORANDUM

TO: AATA
Airport
Ann Arbor Schools
Assessor
 Building
Community Development
County Drain Commissioner
County Health
Engineering
Fire
Historic District Commission
Michigan Department of State Highways
and Transportation
Parks
Police
Solid Waste
Transportation
Treasurer
Utilities

Date: 3/30/94

File No.: 9284M18.8

Planning Staff Assigned: Andrea Brown

FROM: Planning Director

SUBJECT: Malcolmson Land Division -- 3 Ridgeway West

(Comments Due: 4/12/94)

Attached is a petition for your review and comment. Please return written comments to the Planning Department prior to the deadline listed above. If you have major concerns about the petition as proposed, please call the Planning Department and talk with the staff person assigned to review the petition (indicated above). A special departmental review meeting might then be scheduled to collectively resolve with the petitioner any major problems.

Attachment

4/27/92
KPH/lgh

*Land division as shown will meet
all the Ric ~~ba~~ Zoning Requirements.*

*OK. Jim DeWolff
Zoning
3-31-94*

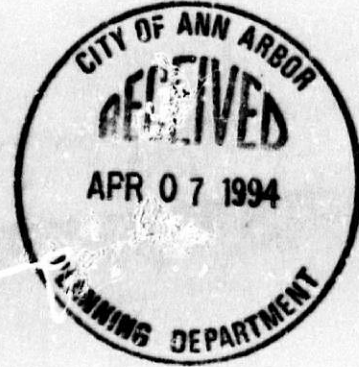
MEMORANDUM

TO: Karen Hart
Planning Director

FROM: Jim Rushton *JR*
City Assessor

DATE: April 5, 1994

SUBJECT: Malcolmson Land Division



I have [?]revised the request for the referenced land division. It appears to meet the requirements of this office, therefore, I have no objections to the spli.

/pc



Planning Department

CITY OF ANN ARBOR, MICHIGAN

100 N. Fifth Avenue, P.O. Box 2647, Ann Arbor, Michigan 48107

Phone (313) 994-2600 FAX (313) 994-2798

April 19, 1994

NOTICE OF PUBLIC HEARING

TO: Property Owners and Occupants Within 300 Feet of This Proposal

FROM: Karen Popek Hart, Planning Director *WLR for KH*

A public hearing will be held by the Ann Arbor City Planning Commission in the Council Chamber, Second Floor, City Hall, 100 North Fifth Avenue, Ann Arbor, Michigan on Tuesday, May 3, 1994. The meeting begins at 7:00 p.m. and the following petition will be one of the items on the agenda:

Malcolmson Land Division - A proposal to divide the existing 0.42-acre parcel at 3 Ridgeway West into two separate parcels.

At this hearing, the City Planning Commission will consider all comments from persons wishing to provide them before making its advisory recommendation to the City Council. The City Council will hold its public hearing at a later date and make the final decision on this request. If you want to know the schedule for City actions after the Planning Commission public hearing, please call us at the Planning Department.

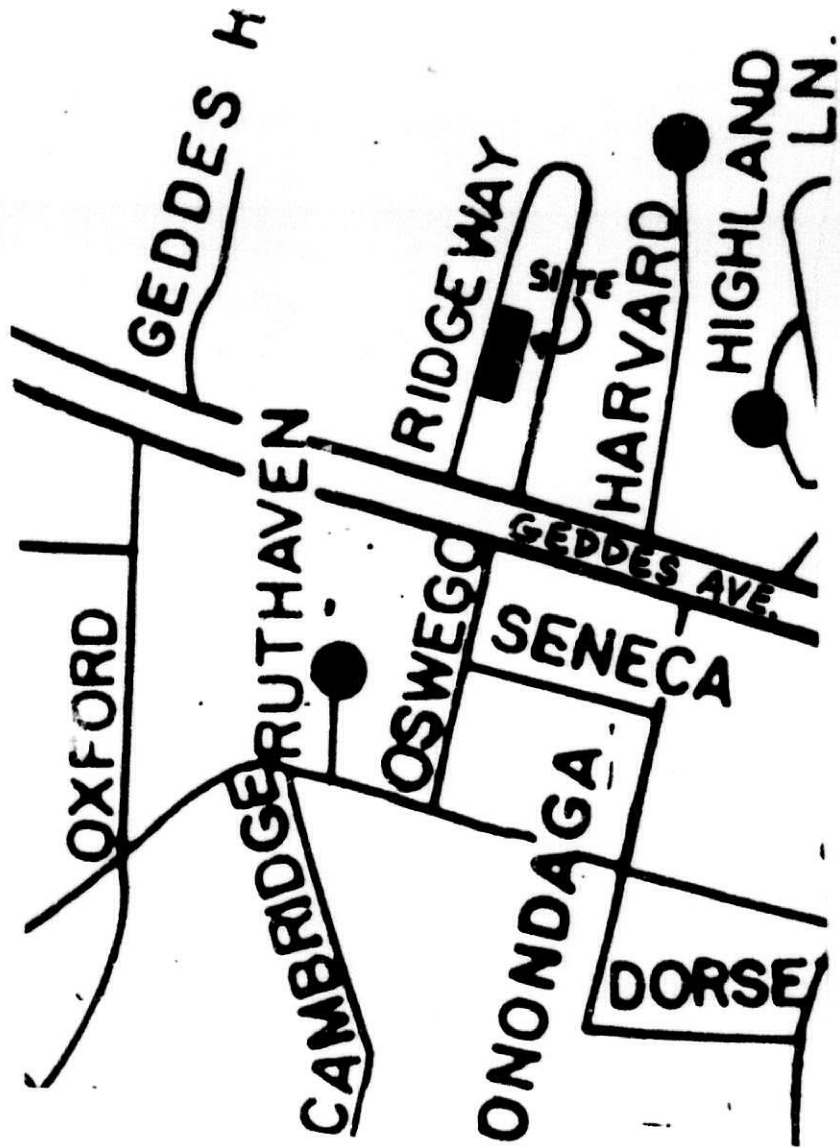
The City Planning Department and other City departments are now reviewing this request in relation to City plans and ordinances and will provide the City Planning Commission with departmental comments prior to the public hearing. Our staff report to the Planning Commission will be available to you at the Planning Department after 3:00 p.m. on the Friday prior to the public hearing.

If you would like additional information, or would like to provide comments or suggestions to the staff, please call the City Planning Department at 994-2800, or visit our office on the third floor of City Hall (8-5 weekdays). This is the only direct mail notice you will receive regarding Planning Commission consideration of this petition.

(Site Location Map on Back)

KPH/jsj

SITE LOCATION MAP



Ad2

MAILING LABEL REQUEST FORM

Requester: Jill Date Needed: 4/19/94

Request Designation: malcolmson RD 9284 M18.8

Request Type: Owners Residents 3-up 4-up

Please enter below the assessor parcel numbers and/or whole assessor blocks within the area in which you want to mail.

Blocks

Parcels

09-28-400-10-12, 14-17, 19-30, 32, 33, 35
401-all

For Office Use Only:

File Entry - Count _____

RESTRICT TAXPAYERS - Count _____

Invalid ASNs

RESTRICT PNOG - Count _____

RESTRICT UNITS - Count _____

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
A22 A22 A22
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

ADAMS JULIAN P
1985 GEDDES AV
ANN ARBOR, MI 48104

COHEN CARL
16 RIDGEWAY ST
ANN ARBOR, MI 48104

JACKSON WILLIAM & SULLIVAN C
PO BOX 130171
ANN ARBOR, MI 48113

KESLING ROBT & A
1941 GEDDES AV
ANN ARBOR, MI 48104

LEPARD CAROLYN
41 E RIDGEWAY
ANN ARBOR, MI 48104

LOPEZ-GRIGERA LUISA
1915 GEDDES AV
ANN ARBOR, MI 48104

MANIS MELVIN & D
20 HARVARD PL
ANN ARBOR, MI 48104

MERIWETHER HEATH & PATRICIA
18 RIDGEWAY ST
ANN ARBOR, MI 48104

XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
A22 A22 A22
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

COFFIN C T & EDNA
25 RIDGEWAY
ANN ARBOR, MI 48104

DUFF IVAN & B
4 RIDGEWAY ST
ANN ARBOR, MI 48104

KATZ ERNEST & K
33 RIDGEWAY
ANN ARBOR, MI 48104

KROHN ALAN
2011 GEDDES AV
ANN ARBOR, MI 48104

LEWES KENNETH A
1913 GEDDES AV
ANN ARBOR, MI 48104

MALCOLMSON R & M
3 RIDGEWAY ST
ANN ARBOR, MI 48104

MARX RONALD W & ANNE E
8 RIDGEWAY ST
ANN ARBOR, MI 48104

MOORE GRANT & LAPHAM LAUREL
2 RIDGEWAY ST
ANN ARBOR, MI 48104

MUNRO DONALD & ANN
14 RIDGEWAY
ANN ARBOR, MI 48104

PITT BERTRAM & E
24 RIDGEWAY
ANN ARBOR, MI 48104

RHODES HAROLD & L M
16 HARVARD PL
ANN ARBOR, MI 48104

SHEVEL CYNTHIA
11 RIDGEWAY ST
ANN ARBOR, MI 48104

TAMMINEN JUSSI & JAHN DEBORAH
8 HARVARD PL
ANN ARBOR, MI 48104

VAN ZANT GARY & SCHAEFFER IDA
12 RIDGEWAY ST
ANN ARBOR, MI 48104

WEAVER MARK & VAN RIPER LORI
8 HARVARD PL
ANN ARBOR, MI 48104

RESIDENT
APARTMENT 1
1919 GEDDES AV
ANN ARBOR, MI 48104

RESIDENT
APARTMENT 3
1919 GEDDES AV
ANN ARBOR, MI 48104

NEERKEN ADRIAN J
4 HARVARD PL
ANN ARBOR, MI 48104

REDFIELD SALLY H
2028 N SEMINARY
CHICAGO, IL 60614

RUDOLF STEINER INST
3247 N WAGNER RD
ANN ARBOR, MI 48103

SHORE SUSAN E
10 RIDGEWAY ST
ANN ARBOR, MI 48105

UNIVERSITY OF MICHIGAN
ADMINISTRATION BLDG
ANN ARBOR, MI 48109

WATSON ANDREW & J
21 RIDGEWAY ST
ANN ARBOR, MI 48104

WOODLAND BILL & LINDA
22 HARVARD PL
ANN ARBOR, MI 48104

RESIDENT
APARTMENT 2
1919 GEDDES AV
ANN ARBOR, MI 48104

RESIDENT
APARTMENT 4
1919 GEDDES AV
ANN ARBOR, MI 48104

25 April 1994

Carl and Jan Cohen
16 Ridgeway
Ann Arbor, MI 48104



Ms. Karen Popek Hart
Planning Director, City of Ann Arbor
PO Box 8647
Ann Arbor, MI 48107

Dear Ms. Hart:

Your letter advising us of the proposed Malcolmson Land Division was much appreciated. We write to express our very strong opposition to this division, and to urge you, the Commission, and City Council to reject it firmly.

Ridgeway is one of Ann Arbor's most interesting and attractive streets. Its character and beauty depend upon its reasonably spaced houses, along a very, very narrow lane. To divide one of the Ridgeway parcels, and permit yet another house on that thin, highly congested vessel would do great injury to us, the residents of the street, and to the City.

1. The aesthetic impact on the entire area would be very great, and awful.

2. The impact on parking would be very burdensome for everyone on the street. Passage on Ridgeway, during the winter months is extremely difficult. Residential parking is permitted on Ridgeway now; adding another car or two to the vehicles commonly stationed in that narrow lane would be, for us, a disaster.

3. Although there are not many houses on Ridgeway, the traffic there is heavy for the size of the street and the activities that go on there. We have two small children, ages 2 and 4. They play in the street because they must; there is no other place for them to play. Other children play there as well. Adding more cars to the traffic on this street would be for us a dangerous and very troubling thing to do. Please do not permit it!

4. The existing parcel, your letter reports, is .42 acre. I calculate that is (roughly) something under 18,000 square feet. To subdivide it is to render the two daughter parcels very small -- one crowded by the existing home, which is quite large, the other -- probably no more than 7,000 or 8,000 square feet, not much more than one sixth of an acre! -- would, when built upon, inescapably lead to great crowding, ugliness, and a destruction of the environment that has been created there.

The purpose could only be to allow some purchaser of the present parcel to milk a profit by capitalizing on the very aesthetic values that would be by this division eroded!

5. The destruction of the Ridgeway environment does damage to the entire City of Ann Arbor, and to its financial well-being. Property taxes paid by residents of Ridgeway are very substantial -- for example, our tax bill for 16 Ridgeway exceeds \$10,000 per year. Such taxes are imposed because of the values that have arisen there -- and they have arisen there because of the attractiveness of the street. Degrade that attractiveness by crowding and, over time, the income to the City is also inevitably undermined. The larger community is certainly not well-served by such a division.

6. Those of us who have purchased and nurtured properties on this street, with its established platting, had reason to expect -- and we still have reason to expect -- that that platting will be retained. It is a matter upon which we relied. To change it, to divide existing parcels in the fashion now proposed, is, we submit, a breaking of faith with us. We urge you to consider the unfairness of such a division to us, and to protect us, who have contributed generously, for many decades, to the City of Ann Arbor.

Thank you, Ms. Hart, for your thoughtful consideration of these important values, critical for us and for the City.

Respectfully yours,

Carl and Jan Cohen

Handwritten signatures of Carl and Jan Cohen. The signature for Carl is written in a cursive style, and the signature for Jan is written in a more stylized, less legible cursive style.

Copies to: Members of City Council

Ms. Andrea Brown
Planning Department
City of Ann Arbor
100 N. Fifth Ave.
P.O. Box 8647,
Ann Arbor, Mich. 48107

25 April, 1994
14 Ridgeway
Ann Arbor, Mich. 48104


Dear Ms. Brown:

We are writing to oppose the proposal to divide the existing land parcel at no. 3 Ridgeway, Ann Arbor, into two separate parcels. We write as property owners within 300 feet of this proposed division, on the same side of "U" shape of the street. We have lived at 14 Ridgeway since 1971.

One basis for our objection is that Ridgeway is a very narrow, almost one-lane street. We live in a constant state of borderline traffic congestion. It was precisely on these grounds that the neighbors successfully petitioned the City government three years ago for "residents only" parking. It is thanks to this action by the City that we do not regularly cross the borderline into genuine gridlock and that utility vehicles can still squeek through. We believe that the division of no. 3 Ridgeway would open the door to a new house being built on the proposed separated parcel. We infer that hypothetical owners of such a new house would be car owners, probably two car owners. Given the small size of the lot, it is unlikely that they would have a facility to park two cars on the parcel. The likelihood is that one of the cars would end up on the street, pushing us into the gridlock condition.

Ann Arbor's distinction includes preserving areas of unusual charm. The Nichols Arboretum and satellite streets constitute such an area. Many neighbors within the 300 fet boundary have met to draw a firm and united line against any more eroision of the special character of our neighborhood. Traffic congestion can cause that erosion. That is why we oppose the "Malcomson Land division proposal.

Sincerely,


Donald J. Munro,

Ann P. Munro



April 26, 1994

Ms. Karen Popek Hart
Director, Planning Department
100 N. 5th Ave.
P.O. Box 8647
Ann Arbor, MI 48107

Dear. Ms. Hart:

We, owners and resident at #4 Ridgeway West Drive have received your notice of April 19, 1994 of a Public Hearing scheduled for Tuesday, May 3, 1994 at 7:00 PM on the petition, Malcolmson Land Division at #3 Ridgeway West.

We are writing to oppose division of the existing 0.42 acre parcel into two separate parcels. Our reasons to object are as follows:

1. You must know that Ridgeway East and West is a narrow street which does not boast of sidewalk and is barely adequate to allow room for two cars to pass.

Over-parking and the resultant congestion on the Ridgeway Streets was the subject in 1989 of extensive discussions with Mr. Michael A. Scott, then Manager of the Transportation Department, Field Offices, of Ann Arbor. Resolution of the problems announced on July 19, 1989 (copied to Council members Mrs. Ingrid Sheldon and Mr. Terry Martin) was by implementation of residential parking along with a two hour parking limit for non-residents. The concerns then of the residents beyond their particular parking problems included pedestrian safety, parking for their guests (as children home from school) and parking for residents who live on Geddes and the effectiveness of time limits and enforcement. This program we are pleased to report has worked reasonably well.

At this time we stress we do not need any more automobiles on this street. As one proceeds down Ridgeway West, the Malcolmson land and driveway is on the right hand side - egress from that driveway into the street is hazardous and has twice resulted in damage to our property. The proposed division would result in two parcels, the smallest of which would be 7200 square feet. We cannot envision satisfactory solution to the associated problems of provision of the required off street parking space of 9 feet x 18 feet as well as the absolute necessity of safety to pedestrians, which include small children, and automobile traffic up and down the street.

2. We have resided at #4 West Ridgeway since 1959. We have seen several proposed developments upon our street rejected by the City of Ann Arbor as well as enactment of favorable developments as noted above. We share with our neighbors ongoing natural concern to preserve our environment from deleterious alterations, as further traffic. Having lived here for 30 years, we view with

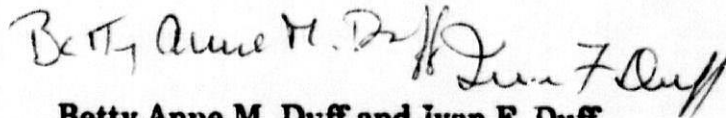
4e(4)

Ms. Karen Popek Hart
Page two
April 26, 1994

concern proposals, as the Malcolmson Land Division that invite further incursions upon this attractive residential area. Our property, as does all other property on the west side of Ridgeway West, abuts upon the University's Nichols Arboretum. Our expressed concerns surely do also extend to the protection of this community resource.

Because of health problems, it is not feasible for us to plan to be present at the Hearing on Tuesday, May 3.

Sincerely yours,

Handwritten signature in cursive script, appearing to read "Betty Anne M. Duff" and "Ivan F. Duff".

Betty Anne M. Duff and Ivan F. Duff

IFD:jas

cc: Second Ward Council Members: Ms. Jane Lum and Mr. Peter Fink
Mayor Ingrid Sheldon
✓ Ms. Andrea Brown, City Planner

12 Ridgeway
Ann Arbor, MI 48104
April 27, 1994

Ms. Andrea Brown
Ann Arbor City Planning Commission
100 N. Fifth Avenue, P.O. Box 8647
Ann Arbor, MI 48107

Dear Ms. Brown:

We are writing to express our opposition to the proposal to subdivide the Malcolmson parcel at 3 Ridgeway into two separate parcels. Our opposition is based on the following points.

First, the Ridgeway neighborhood is a compact area serviced by a narrow, essentially one-lane, street. Additional traffic and probable on-street parking (of residents and guests) resulting from an additional house, would further tax the street capacity. The nature of this street dictates that there are some no-parking areas - these are found around a hairpin curve at the bottom of a steep hill and at some driveway entrances. The street was, in 1989, restricted to resident parking with a two hour limit for non-residents. This was enacted in order to allocate the limited available parking space to those living in the neighborhood. The existing homes on this street, older ones with limited garages or carports, can provide little relief in terms of off-street parking. Additionally, any pedestrian traffic on our lovely street must take it's chances in the roadway since we have no sidewalks on Ridgeway. Any street parking forces those on foot out into the one remaining traffic lane to compete with automobiles.

Second, Ms Malcolmson is acting as an agent for a prospective buyer of her property and not as a homeowner and long-standing resident herself. At a recent neighborhood meeting to discuss the petition, the prospective purchaser described her intentions for the subdivision. Our impression was that the purchase and lot division had short-term goals driven largely by business and tax considerations. Our worst fear is that this buyer would be instrumental in irrevocably changing our neighborhood and would then leave our neighborhood, altered, in a way none of us remaining there, would have chosen. These motives are not in keeping with the tradition of this fine old neighborhood, situated in such a historic area of Ann Arbor and adjoining the University Arboretum. Those of us who are lucky enough to live in such a neighborhood have, or should have, a sense of civic responsibility that realizes we are temporary stewards of our properties and that the neighborhood (faithfully preserved) will continue long after we have gone.

Third, we question whether the lot meets the size requirements for subdivision. We understand that the lot dimensions as originally described did not meet these restrictions. The survey provided by Ms. Malcolmson to contradict this, is one that was provided to her at the time she originally purchased her home. I don't know what the practice was when she purchased her home back in the 1970's, but today a sale does not require a "staked" survey. This type of survey, which will actually locate all property boundaries through staked markers, is the only accurate measurement of a lot, others are merely approximations. In a matter so serious as this, and impacting so many families, we feel Ms. Malcolmson should provide such a current "staked" survey to the Planning Department and the members of the neighborhood.

4e(5)

To Re: Malcolmson file

Date _____ Time _____

WHILE YOU WERE OUT

M #4 W Ridgeway

of Mr. + Mrs. Duff

Phone No. _____

TELEPHONED		PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		RETURNED YOUR CALL	

Message strongly opposed.

Signed _____

To _____

Date _____

Time _____

WHILE YOU WERE OUT

M

Mary Van Zant

of

12 W. Ridgeway

Phone No.

663-5921

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	<input type="checkbox"/>
CALLED TO SEE YOU	<input type="checkbox"/>	WILL CALL AGAIN	<input checked="" type="checkbox"/>
WANTS TO SEE YOU	<input checked="" type="checkbox"/>	RETURN MY CALL	<input type="checkbox"/>

Message

Opposes McAdams

land division. Lots

would be too small,

street narrow, no

on-street parking, +

quality of life would

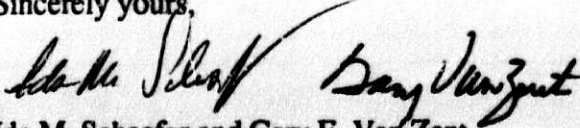
Signed _____

be adversely affected.

Lot is very shallow,
would be difficult
to construct new
building.

In closing, it is important to bear in mind that what makes Ann Arbor a unique place to live is the quality of life in its quaint and historic neighborhoods. Those of us who live on Ridgeway, located here because of those ideals. The last compelling reason for rejecting this proposal is that it would adversely affect the quality of life in this unique neighborhood.

Sincerely yours,


Ida M. Schaefer and Gary E. Van Zant

cc: Ms. Karen Popek Hart, Director, Planning Department

April 28, 1994

Ms. Karen Popek Hart
Director, Planning Department
100 N. 5th Ave
P.O. Box 8647
Ann Arbor, MI 48107



Dear Ms. Hart,

We are the owners and residents of 8 Ridgeway in Ann Arbor. We are writing to oppose the division of the Malcomson lot at 3 Ridgeway into two separate parcels.

It is inevitable that, should the property be split, an additional residence would be built on the new, smaller parcel. A new home, along with its residents, would create a number of problems for the neighborhood. We present two primary arguments against the division.

First, Ridgeway is a very narrow street, with on-street parking on only a small section. Indeed, on West Ridgeway there is no on-street parking on the east side, and only limited on-street parking on the west side from the middle of our property to the bottom of the road and for a small section at the top of the road. There is a long history of parking problems on the street, to which City records must attest. Additional vehicles resulting from another home would exacerbate an existing problem that is already vexing for all of the residents of west Ridgeway.

In addition to the parking problem that more vehicle traffic would cause, there currently exists considerable traffic congestion on Ridgeway whenever delivery or garbage trucks or emergency vehicles need to use the road. With its narrow street, it is difficult for two automobiles to pass each other on the road. It is nearly impossible for an auto and a car to pass. More traffic from additional residents and guests would add to this congestion.

Our second objection concerns the nature of this very special neighborhood. Ridgeway is unique. It has a wonderful ambiance, with its narrow road, overhanging trees, and charming old properties. All of the homes on the west side of west Ridgeway abut the Nichols Arboretum, so we also have a special relationship to The University of Michigan and the trust that all of the parties in this area possess to preserve this area. When we purchased our home and began to think about updating it, we made a special effort to insure that our renovations did not alter this ambiance. To the north and south of our home, there are sight lines from Ridgeway down to the Arboretum. We made certain that the addition to our home did not obstruct these sight lines so that all citizens of and guests to Ann Arbor had the opportunity to enjoy the view of the Arboretum from the street. We believe that this civic responsibility should be taken seriously.

An additional home on the new parcel formed by the division of 3 Ridgeway would require cutting a number of trees on this lot that is one of the legacies of the orchard that existed here for years. The house would also be on the highest point of land in the neighborhood and would most likely be quite obtrusive. It would not merely be one more house on a street, it would alter the entire ambiance of the neighborhood through its presence and through the destruction of trees.

We hope that this letter registers our disagreement with the proposal and would like the opportunity to speak to the issue at the public hearing on May 3, 1994.

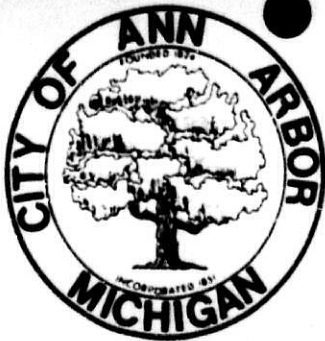
Sincerely,



Anne Marx



Ronald W. Marx



Jane Lumm
Councilmember, Ward II
(313) 668-7649



CITY OF ANN ARBOR, MICHIGAN

100 N. Fifth Avenue, P.O. Box 8647, Ann Arbor, Michigan 48107

Phone (313) 994-3313

April 1994

*Karen - JYI
Jane*

Dr. and Mrs. Ivan F. Duff
4 West Ridgeway Drive
Ann Arbor, MI 48104

Dear Dr. and Mrs. Duff,

Thank you for your letter notifying me of the upcoming land division at #3 West Ridgeway. Peter Fink and I have discussed your concerns, and will follow-up with the City Planning Dept. and Attorney's office.

This morning I had an initial conversation with Karen Hart. Although she has not yet had an opportunity to specifically respond to your letter, she assured me that her department is aware of the neighbors' concerns and is investigating the issues you raised.

I asked Karen about our options for opposing the land division. Legally she said it would be difficult to reject the petition as the size of the remaining parcel is larger than the minimum required by our zoning ordinance. In short, the lot is consistent with the zoning ordinance.

Land divisions are always tricky matters. Understandably, concerns about neighborhood density and compatibility are especially relevant. Recently, another land division request was resolved to the satisfaction of the petitioner and the neighbors by creating an administrative land division. In an effort to not create a new (i.e., buildable) lot, it was agreed that the neighbor(s) would acquire a portion of the divided parcel -- thus addressing the zoning requirement for lot size. This alternative might be an option for Ridgeway.

The Planning Department is preparing an information package on the Ridgeway petition for the May 3rd public hearing. Should you or any of the neighbors be interested in receiving a copy of this report, please stop-by the Planning Department. The document will be available after 3 p.m. on Friday. (I have asked Planning to forward a copy to me which I will hand-deliver to you.)

Again, thanks for your letter. Please don't hesitate this further.

Kind regards,

Jane

*Jane Lumm
Came in on
Friday April 29
and got several
copies of the
staff reports*

*7-11-94
12:00 do
incident
1:00 PM*

April 26, 1994

Ms. Karen Popek Hart
Director, Planning Department
100 N. 5th Ave.
P.O. Box 8647
Ann Arbor, MI 48107

Duffy (Duff) (Duff) (Duff) (Duff) (Duff)
4 West Ridgeway Dr.
AZ 48104
(662-8649)

Dear. Ms. Hart:

We, owners and resident at #4 Ridgeway West Drive have received your notice of April 19, 1994 of a Public Hearing scheduled for Tuesday, May 3, 1994 at 7:00 PM on the petition, Malcolmson Land Division at #3 Ridgeway West.

We are writing to oppose division of the existing 0.42 acre parcel into two separate parcels. Our reasons to object are as follows:

1. You must know that Ridgeway East and West is a narrow street which does not boast of sidewalk and is barely adequate to allow room for two cars to pass.

Over-parking and the resultant congestion on the Ridgeway Streets was the subject in 1989 of extensive discussions with Mr. Michael A. Scott, then Manager of the Transportation Department, Field Offices, of Ann Arbor. Resolution of the problems announced on July 19, 1989 (copied to Council members Mrs. Ingrid Sheldon and Mr. Terry Martin) was by implementation of residential parking along with a two hour parking limit for non-residents. The concerns then of the residents beyond their particular parking problems included pedestrian safety, parking for their guests (as children home from school) and parking for residents who live on Geddes and the effectiveness of time limits and enforcement. This program we are pleased to report has worked reasonably well.

At this time we stress we do not need any more automobiles on this street. As one proceeds down Ridgeway West, the Malcolmson land and driveway is on the right hand side - egress from that driveway into the street is hazardous and has twice resulted in damage to our property. The proposed division would result in two parcels, the smallest of which would be 7200 square feet. We cannot envision satisfactory solution to the associated problems of provision of the required off street parking space of 9 feet x 18 feet as well as the absolute necessity of safety to pedestrians, which include small children, and automobile traffic up and down the street.

2. We have resided at #4 West Ridgeway since 1959. We have seen several proposed developments upon our street rejected by the City of Ann Arbor as well as enactment of favorable developments as noted above. We share with our neighbors ongoing natural concern to preserve our environment from deleterious alterations, as further traffic. Having lived here for 30 years, we view with

Ms. Karen Popek Hart
Page two
April 26, 1994

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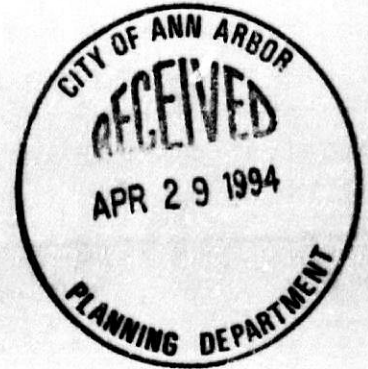
Sincerely yours,

Betty Anne M. Duff *Ivan F. Duff MD*
Betty Anne M. Duff and Ivan F. Duff

IFD:jas

cc: Second Ward Council Members: Ms. Jane Lum and Mr. Peter Fink
Mayor Ingrid Sheldon
Ms. Andrea Brown, City Planner

MEMORANDUM



TO: Andrea Brown, Planning Dept.
FROM: Dennis W. Hasley, Fire Marshal
SUBJECT: 3 Ridgeway West File # 9284M18.8
DATE: April 29, 1994

The Fire Department has no objection to this land division.

MEMORANDUM

TO: AATA
Airport
Ann Arbor Schools
Assessor
Building
Community Development
County Drain Commissioner
County Health
Engineering
 Fire
Historic District Commission
Michigan Department of State Highways
and Transportation
Parks
Police
Solid Waste
Transportation
Treasurer
Utilities

Date: 3/30/94

File No.: 9284M18.8

Planning Staff Assigned: Andrea Brown

RECEIVED
MAR 30 1994
ANN ARBOR FIRE DEPT

FROM: Planning Director

SUBJECT: Malcolmson Land Division -- 3 Ridgeway West

(Comments Due: 4/12/94)

Attached is a petition for your review and comment. Please return written comments to the Planning Department prior to the deadline listed above. If you have major concerns about the petition as proposed, please call the Planning Department and talk with the staff person assigned to review the petition (indicated above). A special departmental review meeting might then be scheduled to collectively resolve with the petitioner any major problems.

Attachment

4/27/92
KPH/lgh

3 Ridgeway West
Ann Arbor, Michigan 48104

March 29, 1994


Karen Popek Hart, Planning Director
Ann Arbor City Planning Department
100 North Fifth Avenue
Ann Arbor, Michigan 48107

Re: Division of 3 Ridgeway West

Dear Ms. Hart:

Please accept this letter as application for the division of 3 Ridgeway West into two separate parcels, as shown on the enclosed survey. This application is at the request of the purchaser for this piece of property.

Sincerely,


Margaret Malcolmson

MORTGAGE

THIS MORTGAGE ("Security Instrument") is given on October 14, 19 93.
The mortgagor is Margaret Malcolmson, a single woman
whose address is 3 Ridgeway West Ann Arbor, MI 48104

("Borrower"). This Security Instrument is given to the University of Michigan Credit Union, which is organized and existing under the laws of the State of Michigan, and whose address is P.O. Box 7850, Ann Arbor, Michigan 48107 ("Lender"). Borrower owes Lender the principal sum of * ONE HUNDRED EIGHT THOUSAND AND NO/100 Dollars (U.S. \$ 108,000.00). This debt is evidenced by Borrower's note dated the same date as this Security Instrument ("Note"), which provides for monthly payments, with the full debt, if not paid earlier, due and payable on October 8, 2023. This Security Instrument secures to Lender: (a) the repayment of the debt evidenced by the Note, with interest, and all renewals, extensions and modifications; (b) the payment of all other sums, with interest, advanced under paragraph 6 to protect the security of this Security Instrument; and (c) the performance of Borrower's covenants and agreements under this Security Instrument and the Note. For this purpose, Borrower does hereby mortgage, grant and convey to Lender, with power of sale, the following described property located in Washtenaw, County, Michigan:

* Situated in the City of Ann Arbor, Washtenaw County, Michigan, Lot(s) 13, except the South 8 feet thereof and the South 75 feet of Lot 14, Assessor's Plat No. 14 in the City of Ann Arbor, as recorded in Liber 8 of Plats, Page(s) 53, Washtenaw County Records.

Tax Code#09-28-401-008

which has the address of 3 Ridgeway West Ann Arbor
Street City
Michigan 48104 ("Property Address"):
Zip Code

TOGETHER WITH all the improvements now or hereafter erected on the property, and all easements, rights, appurtenances, rents, royalties, mineral, oil and gas rights and profits, water rights and stock and all fixtures now or hereafter a part of the property. All replacements and additions shall also be covered by this Security Instrument. All of the foregoing is referred to in this Security Instrument as the "Property".

BORROWER COVENANTS THAT Borrower is lawfully seised of the estate hereby conveyed and has the right to mortgage, grant and convey the Property and that the Property is unencumbered, except for encumbrances of record. Borrower warrants and will defend generally the title to the Property against all claims and demands, subject to any encumbrances of record.

THIS SECURITY INSTRUMENT combines uniform covenants for national use and non-uniform covenants with limited variations by jurisdiction to constitute a uniform security instrument covering real property.

Borrower and Lender covenant and agree as follows:

1. **Payment of Principal and Interest; Prepayment and Late Charges.** Borrower shall promptly pay when due the principal of and interest on the debt evidenced by the Note and any prepayment and late charges due under the Note.
 2. **Application of Payments.** Unless applicable law provides otherwise, all payments received by Lender under paragraph 1 shall be applied: first, to interest due under the Note; second, to late charges; and last, to principal due.
- Charges; Liens.** Borrower shall pay all taxes, assessments, charges, fines and impositions attributable to the property which may attain priority over this Security Instrument, and leasehold payments or ground rents, if any. Borrower shall pay these obligations on time directly to the person owed payment. Borrower shall promptly furnish to lender copies of amounts to be paid under this paragraph and receipts evidencing the payments.

LEGAL DESCRIPTIONS OF PARCELS A and B

MALCOLMSON LAND DIVISION

Parcel A

Situated in the City of Ann Arbor, Washtenaw County, Michigan, Lot 13, Assessor's Plat No. 14, except the North 8 feet and South 8 feet thereof, as recorded in Liber 8 of Plats, Page 53, Washtenaw County Records.

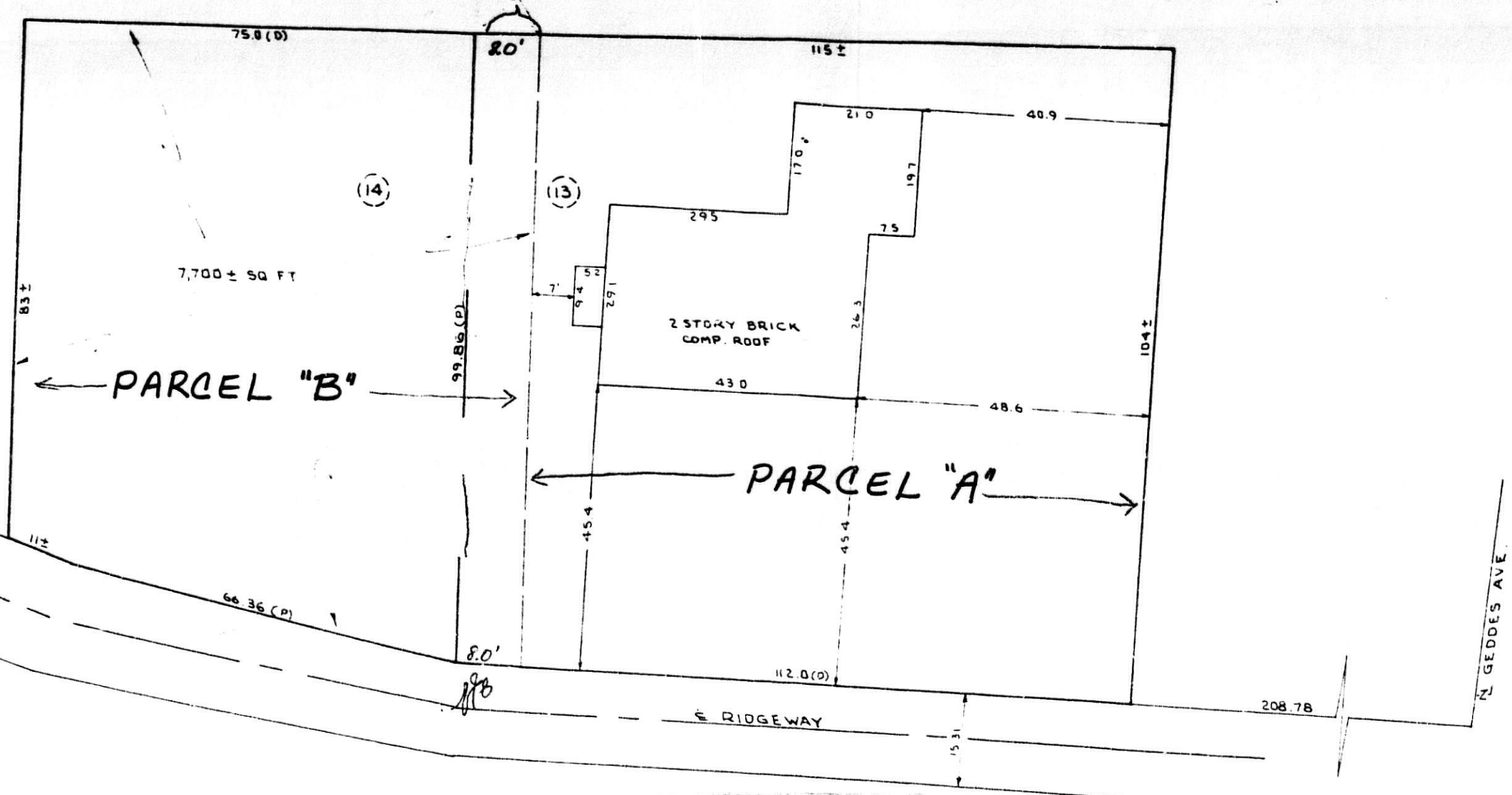
Parcel B

Situated in the City of Ann Arbor, Washtenaw County, Michigan, the North 8 feet of Lot 13 and the South 75 feet of Lot 14, Assessor's Plat No. 14, as recorded in Liber 8 of Plats, Page 53, Washtenaw County Records.

March 1994

N ←

118



OWNER R. O. BONISTEEL JR.
 SKETCH OF HOUSE ON PROPERTY
 NOT SURVEYED
 PART OF LOTS 13 & 14 - ASSESSOR'S PLAT # 14

SECTION TOWN SOUTH-RANGE EAST
 CITY OF ANN ARBOR
 WASHTENAW COUNTY, MICHIGAN
 SCALE 1 INCH = 20 FEET
 DIMENSIONS IN FEET

ATWELL-HICKS, INC.
 CIVIL ENGINEERS, SURVEYORS, PLANNERS
 ANN ARBOR YPSILANTI
 DR: W.B.M. CH: R.J.J. DATE: FEB. 15, 1973
 BOOK: 174-75
 JOB: 28226
 230-18

ANN ARBOR PLANNING DEPARTMENT STAFF REPORT

For Planning Commission Meeting of May 3, 1994

SUBJECT: Malcolmson Land Division (3 Ridgeway West)

PROPOSED CITY PLANNING COMMISSION MOTION

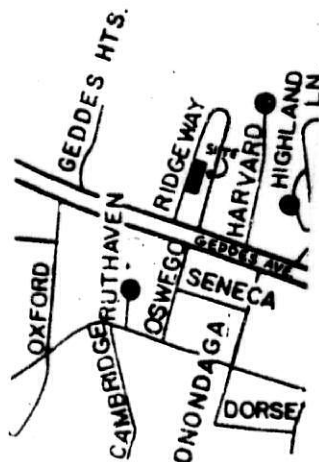
The Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Malcolmson Land Division.

STAFF RECOMMENDATION

Staff recommends that this petition be approved because it complies with City Code requirements and will be compatible with the surrounding property.

LOCATION

The site is located on the east side of Ridgeway north of Geddes (Northeast Area).



DESCRIPTION OF PETITION

Petitioner requests a land division to divide an existing 19,334-square foot parcel into two separate parcels. Parcel A will contain 11,634 square feet and an existing single-family dwelling. Parcel B will contain 7,700 square feet and become a buildable lot. The rear yard setback for the existing house is nonconforming. A 30-foot setback is required and only 28 feet are provided. The garage, an accessory structure, has a setback of ten feet, which is in conformance with City Code requirements.

6b(1)

COMPARISON CHART

		EXISTING	PROPOSED	REQUIRED/PERMITTED
Zoning		R1C (Single-Family Dwelling District)	R1C	R1C
Gross Lot Area		19,334 sq ft	11,634 sq ft - Parcel A 7,700 sq ft - Parcel B	7,200 sq ft MIN
Lot Width		178.36 ft	112 ft - Parcel A 66.36 ft - Parcel B	60 ft MIN
Setbacks	Front	45.4 ft - Parcel A Vacant - Parcel B	45.4 ft - Parcel A Vacant - Parcel B	25 ft MIN
	Side(s)	7 ft - Parcel A Vacant - Parcel B	7 ft - Parcel A Vacant - Parcel B	5 ft MIN
	Rear	28 ft - Parcel A Vacant - Parcel B	10 ft - Parcel A Vacant - Parcel B	30 ft MIN

 - Existing nonconforming rear yard setback.

SURROUNDING LAND USES AND ZONING

	LAND USE	ZONING
NORTH	Single-Family Dwelling	R1C
EAST	Single-Family Dwelling	R1C
SOUTH	Rudolf Steiner Institute and Parking	R2B (Two-Family Dwelling District)
WEST	Single-Family Dwelling and Arboretum	R1C and PL (Public Land District)

HISTORY

The existing house was constructed in 1921 and has been maintained as a single-family residence since that time.

PLANNING BACKGROUND

The Northeast Area Plan recommends single-family use.

STAFF REPORT

The proposed division results in two lots that are of similar size to other lots along Ridgeway. Many of the developed lots on this road are shallow. The building envelope is small, but

appears sufficient to construct a single-family structure. The owner has been informed that the Planning Department will not support variances for development on this site.

The road is narrow and any new single-family development would require one on-site parking space. A residential parking permit program was implemented on this street in 1989 to reduce student and Arboretum visitor parking. There is a two-hour parking limit for those who do not have a permit. Portions of the street are signed "no parking/tow zone" as well.

Prepared by Andrea Brown
Reviewed by Wendy Rampson and Karen Hart *KRH*
jsj/4/28/94

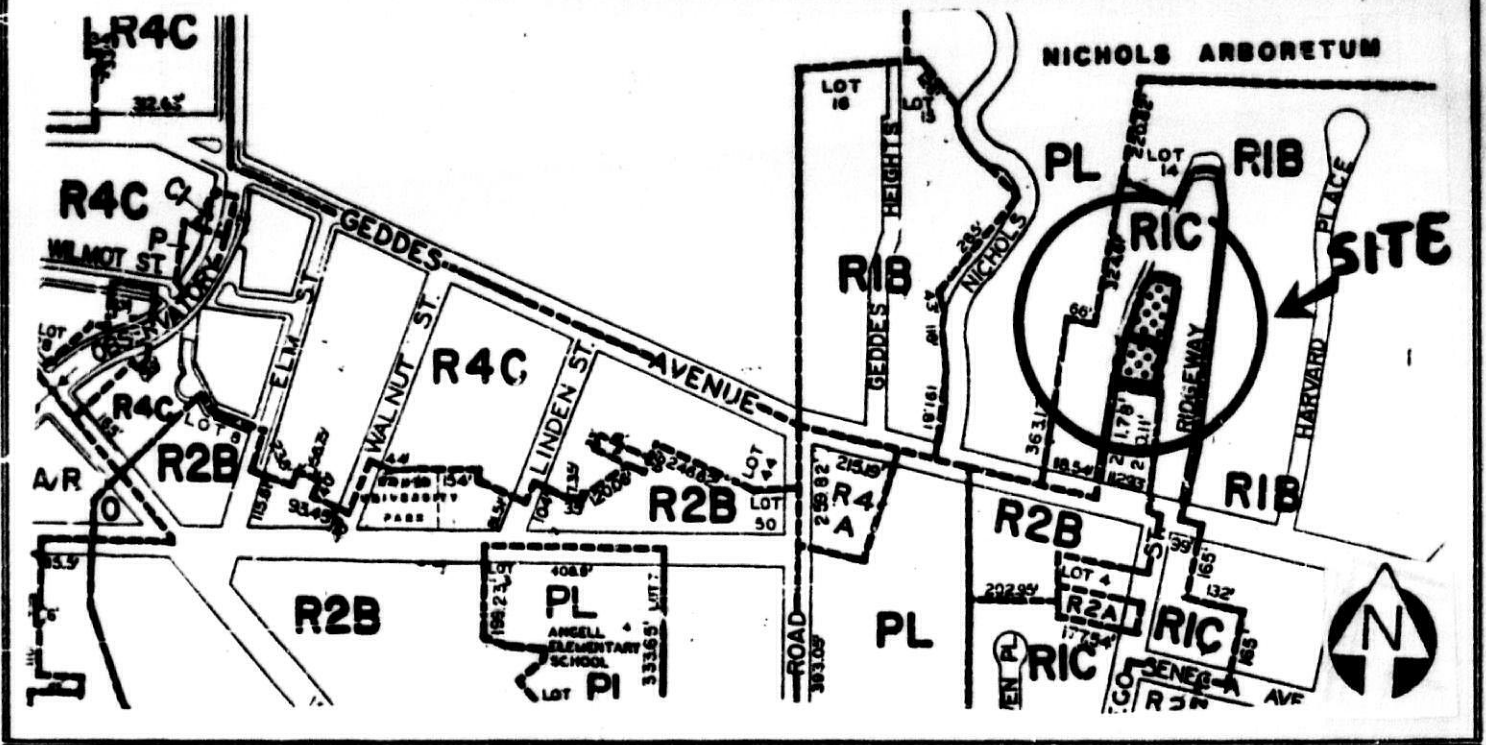
Attachments: Zoning/Parcel Maps
Aerial Photo
Site Survey

c: Petitioner/Owner: Margaret Malcolmson
3 Ridgeway West
Ann Arbor, Michigan 48104

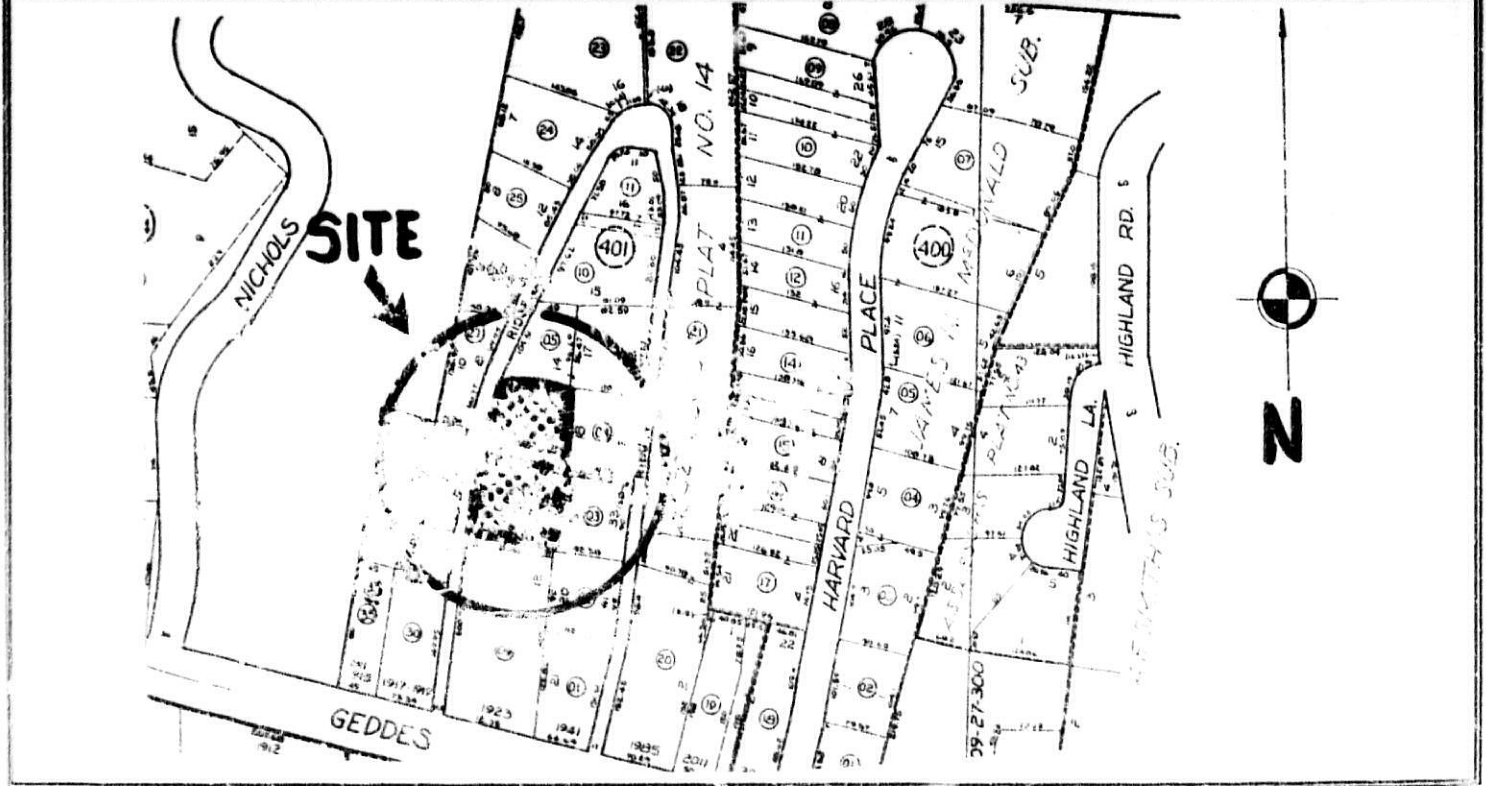
Assessor
Building
Engineering
File No. 9284M18.8

MALCOLMSON LAND DIVISION

ZONING MAP



PARCEL MAP



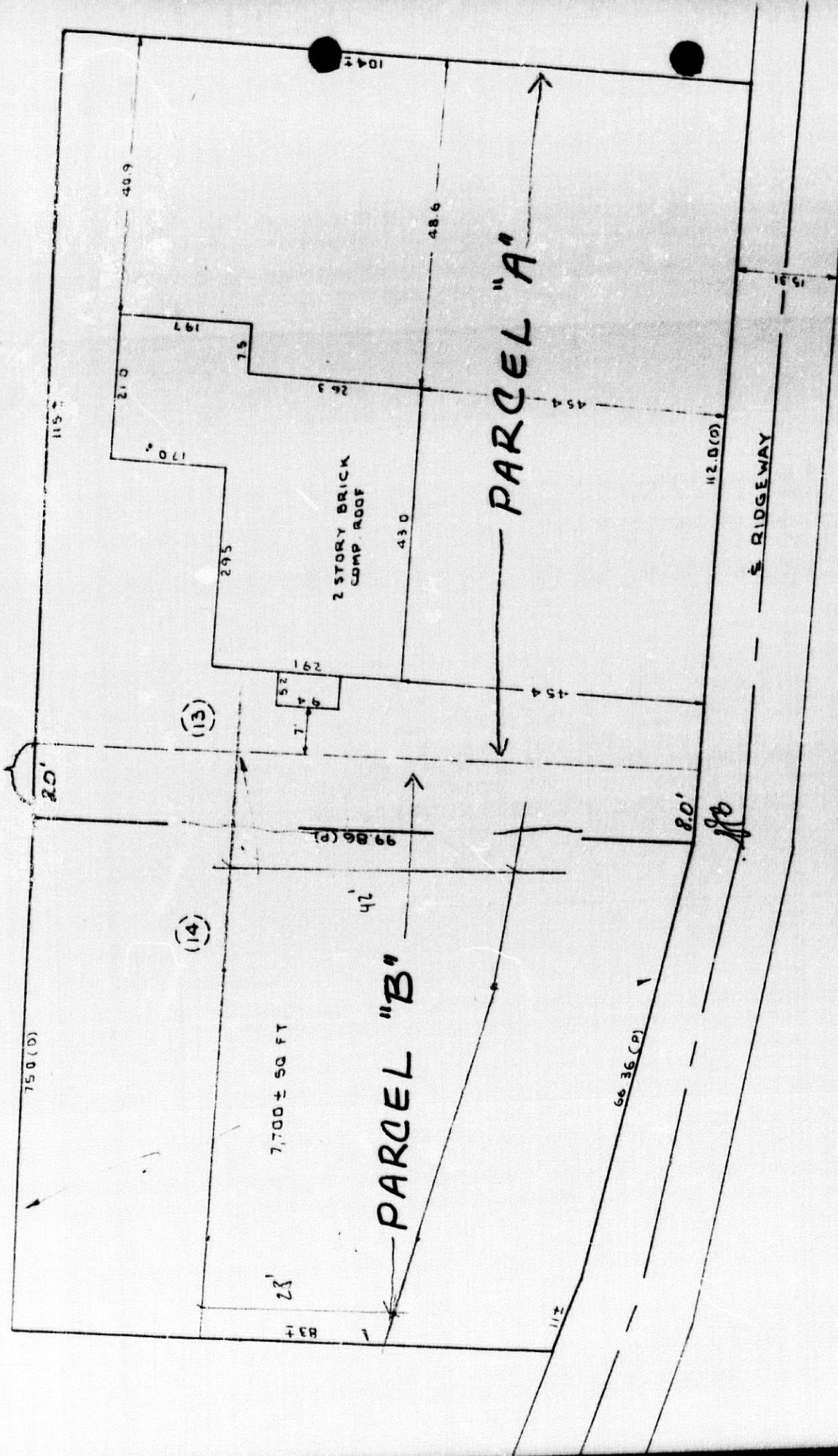
Malcolmson Land Division

9284M18.8

#2

AERIAL PHOTO





SITE SURVEY PROPOSED LAND DIVISION

May 3 1994

Mrs. Andrea Brown
Planning Department
City of Ann Arbor
108 North Fifth Avenue
Ann Arbor, Mi 48107

Dear Mrs. Brown:

I am writing regarding the concerns you have received objecting to the Malcomson Land Division at 3 Ridgeway. I am the prospective buyer of the property and would like to clarify a few issues raised by the neighbors.

It appears that the main concern is traffic congestion and parking. The street is very narrow and this is an important concern, especially since several of the homes are very close to the road. However, the Malcomson house and any house that may some day be built on the adjacent property are required by deed restriction to be set back on the property farther than the 25 foot city requirement (40 feet from the extension of the westerly line of lot 13). Mrs. Malcomson's present driveway is long enough to hold at least four cars in addition to space for a single car garage. I am certain that a house on the proposed lot would also be able to provide adequate off-street parking.

Another concern was regarding the intentions of the "prospective purchaser." I offered to attend a meeting of the neighbors

Ms. Andrea Brown

to answer any questions they had about my plans, should I purchase 3 Ridgeway.

Apparently, some of my comments were misinterpreted leaving the impression that my interest in purchasing the property was based on "short-term goals driven largely by business and tax considerations."

My interest in purchasing the property is to have a home for myself and my children when they visit. I lived at 2025 Hill Street for six years and am currently renting in the same area while I look for a new home. I've been with the University for seven years and am starting a new job at the U in June.

I can certainly understand the neighbor's concerns, but after checking city- and deed restrictions, I have concluded that the proposed car splir meets all the requirements. The setbacks would allow for ample parking and would restrict the size of the dwelling to one that would be compatible with the neighborhood. I hope that the Planning Department will come to the same conclusion and approved the Malcomson Land Division.

Sincerely,
Margaret B. McKinley
2100 Dorset
Ann Arbor

May 5, 1994

Mayor Ingrid Sheldon and
Members of City Council
City Hall of Ann Arbor
100 N. Fifth Ave.
P.O. Box 8647
Ann Arbor, MI 48107

Attn: Ms. Winifred Northcross, City Clerk

TO WHOM IT MAY CONCERN:

We have previously, April 26, 1994, expressed to the Director of the Planning Department, Ms. Karen Papek Hart, our concerns for and the reasons we oppose the petition "Malcolmson Land Division at 3 Ridgeway West".

Having watched and heard the televised hearing on May 3, 1994, chaired by Mr. Tom Miree and staff, we wish to make additional comments as follows:

1. A staff member of the Planning Commission when asked "how wide is that street", that is, West Ridgeway, responded she did not know. We have measured West Ridgeway today curb to curb and it is 16 1/2 feet. We are told that West Ridgeway is two feet narrower than East Ridgeway.

This information we believe to be germane to the expressed concern of the neighborhood on West Ridgeway that the street is too narrow to accommodate additional traffic which could be expected were the Malcolmson Land Division to proceed. Lack of complete information to the Commission leads us to ask if an official survey made by a responsible firm as Atwell Hicks has been made of the Malcolmson property and of West Ridgeway Street, and if not, why not?

2. Erroneous information was provided to the Planning Commission at that hearing with regard to the number of children living on West Ridgeway. It was stated that there was but one child, whereas by actual count as of today, eight children including the small grandson of the owner of the property lives on Ridgeway. We repeat, that the safety of children on this street is at risk.

3. It was stated by an attorney that the parcel of Malcolmson land under consideration for division as a separate lot "is the last buildable lot on Ridgeway". We question whether indeed this is a fact.

We request that this communication in addition to the signed letter of Mrs. Agnes Miner to the Planning Commission dated May 3, 1994 and to which reference was made in part at the Commission meeting on that date, be included in the packet of letters to the City Council as an I item to be taken up at their caucus on May 15th before the regular Council meeting on May 16th.

Respectfully,

Ivan F. Duff *Betty Anne M. Duff*

Ivan F. Duff and Betty Anne M. Duff
#4 West Ridgeway Drive
Ann Arbor, MI 48104

26 Harvard Place
Ann Arbor, MI 48104
May 3, 1994

The Planning Commission
Ann Arbor, Michigan

To Whom It May Concern:

The subject of this communication is the proposed division, for sale purposes, of the Malcolmsen property located at 3 Ridgeway West. Though I live on Harvard Place, a block east of Ridgeway, I sympathize with the residents who oppose, with good reason, the construction of still another dwelling. Our problems on Harvard are almost identical to the problems on Ridgeway, so we too feel threatened by action that sets a precedent increasing the number of houses, cars, and a heavier traffic-flow. In the old days -- I have lived on Harvard since 1948 -- residents had one car, one garage, which they used (!), and not much traffic. Now the number of cars has doubled or even tripled, most of which are parked on the street so that especially on Ridgeway passage is difficult at all times and often dangerous during the winter months.

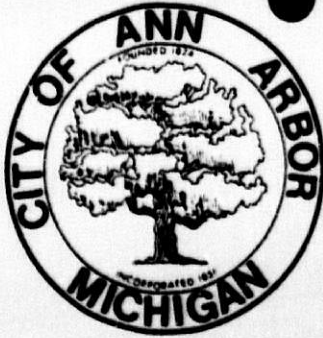
Ridgeway is not safe for either walking or driving. Aside from its extremely narrow width, there is a curve at the bottom, where it is impossible to see oncoming traffic. I hope that any of you involved in the decision to add another dwelling and more cars will take a good, hard look at the street.

The Malcolmsen property originally belonged to the famous Professor Gesell. In those days the place was well maintained and was known as a beauty-spot. Now, by denuding it of its natural landscape and by squeezing a house into admittedly minimal space, the whole neighborhood would suffer. There are few remaining areas in Ann Arbor where the original homes still exist and where the zoning laws have protected them. To permit a change in this instance, allowing the property owner to accommodate a prospective buyer by dividing the area seems unfair. The neighborhood is the old-fashioned kind where the residents mingle to celebrate and to mourn. The disruption caused by the sale would be damaging psychologically and aesthetically and could only add to the hazardous conditions on Ridgeway.

Respectfully,

Agnes Miner
Agnes Miner
(Mrs. Horace Miner)

*I request that my letter be included
in the packet of letters to the City Council
as an item to be taken up at their session
on May 15, before their Council meeting on May 16.*



Planning Department

CITY OF ANN ARBOR, MICHIGAN

100 N. Fifth Avenue, P.O. Box 8647, Ann Arbor, Michigan 48107

Phone (313) 994-2800 FAX (313) 994-2798

May 16, 1994

Mayor and City Council
100 North Fifth Avenue
Ann Arbor, Michigan 48107

Subject: Resolution to Approve Malcolmson Land Division, 0.42 acre,
3 Ridgeway West (CPC Recommendation: Approval - 7 Yeas and 0 Nays)

Dear Mayor and City Council:

Approval of this resolution will allow the property at 3 Ridgeway West, which contains one single-family dwelling, to be divided into two separate parcels. The City Planning Commission, at its meeting of May 3, 1994, recommended approval of this land division request. Additional information is contained in the attached staff report.

Respectfully submitted,

Karen Popek Hart, AICP
Recording Secretary for
City Planning Commission

Attachments: Proposed Resolution
5/3/94 Planning Commission Minutes
Planning Staff Report

**RESOLUTION TO APPROVE
MALCOLMSON LAND DIVISION**

Margaret Malcolmson has requested land division approval in order to divide a 19,334-square foot parcel at 3 Ridgeway West into two separate parcels. The Ann Arbor City Planning Commission, at its meeting of May 3, 1994, recommended approval of said request.

RESOLVED by the Mayor and City Council that the Malcolmson Land Division is hereby approved.

**Prepared by Karen Hart, Planning Director
5/5/94**

MAY 3, 1994 PLANNING COMMISSION MINUTES

- a. Malcolmson Land Division, 0.42 acre, 3 Ridgeway West. A proposal to divide the existing parcel into two separate parcels - Staff Recommendation: Approval

Rampson described the proposal and showed slides of the property.

Carl Cohen, 16 Ridgeway, said he represented virtually all of the citizens of Ridgeway in expressing their strong opposition to this proposed land division and asked that Planning Commission consider the proposal carefully. He said the present owner of the property was a long-time friend and resident of the neighborhood and he was sorry that this situation had occurred. From a personal perspective, he was opposed to the proposal because Ridgeway was a narrow road and his two small children were forced to play in the street due to the lack of adequate playspace. He believed the land division would create a serious danger to his children and the other children in this neighborhood. He believed he was fortunate to live on Ridgeway, which was a beautiful street, and he opposed the land division because of the effect it would have on the property values along this beautiful street. He did not think it was in the best interest of the City to allow the erosion of the very quality that makes this street so attractive. He also did not think it was true that the new parcel would be compatible with the surrounding properties. From a moral perspective, he stated that the residents along Ridgeway invested their fortunes when they bought their homes and he felt that allowing the land division was to break faith with the residents.

Donald Munro, 14 Ridgeway, read a letter from Agnes Miner, an elderly resident on Harvard Place. She was sympathetic to the concerns of the residents and stated that in older days, people mainly owned one car and their homes had one-car garages. She said now the number of cars a person owns has doubled and tripled, and the amount of traffic has increased, which she believed caused dangerous traffic on the street. She hoped that everyone involved in making a decision which would add more cars to this area would take a look at the street and consider the proposal very carefully.

Gary Van Zant, 12 Ridgeway, urged Planning Commission to carefully consider this proposal, which he believed would be a travesty if allowed. He stated that Ridgeway was a one-way street that fell off approximately 100 feet from top to bottom. He also stated that there were no sidewalks along Ridgeway, so pedestrians and cars had to share the street, and he thought the parking situation was at its limit now. He said the aesthetic issue was quite important to the neighborhood and to divide this property into two parcels and create a buildable lot with a small building footprint was out of character with the neighborhood. He thought it would be a mistake to approve the land division.

Karl Frankena, attorney representing the petitioner, stated that this situation was painful for the petitioner because the residents speaking against the proposal were her friends and neighbors. He said the petitioner was compelled to sell the property because of medical reasons and already had moved into an apartment. He said the petitioner's concern was that she may be denied the right to use her land in the same way the land around her has been used. In looking at the original plat of this neighborhood, he noted that the one remaining lot that did not contain a house was Lot 14 and the petitioner owned the south half of that lot, which she was requesting be divided from the parcel her house was situated on. He stated that what the petitioner was requesting was in direct compliance with the original plat. He did not believe that building a home on the proposed lot would impact property values in this neighborhood; rather, he believed it would be an improvement. He said one of the concerns raised by residents was parking; however, after visiting the street, he noted that the problem was being caused by the residents themselves. He stated that the petitioner was able to park five cars in her driveway and the same could be achieved when a new house was built on the adjacent lot. He did not believe the parking problem on this street would be caused by the people using this residence. He pointed out that he had heard no legitimate reasons to turn down this land division, which complied with all City ordinance requirements.

Margaret Malcolmson, 3 Ridgeway West, stated that she had lived in her home for 21 years, but two years ago her husband died and she was forced to sell her home. She pointed out that her house is the first from the intersection with Geddes and that cars leaving her house exit south to Geddes and do not go past the homes on Ridgeway. She said deed restrictions require that a house built on the new lot provide a minimum 40-foot front setback, which meant that the driveway for the new house would be comparable to hers, which accommodated five cars. She said one of the previous speakers said he represented most all of the citizens on Ridgeway, but she stated that the people opposed to this request live opposite her, on the other side of Ridgeway. She pointed out that the property owners sharing common boundary lines with her were not opposed to her proposal. She said they had no desire to face a confrontational situation this evening, but that they gave her their permission to voice their support. She stated that she owned one car and if there was traffic congestion on this street, she was not causing it.

Ron Marx, 8 Ridgeway, also believed the parking and traffic issues on Ridgeway were significant. He stated that there was a special quality to this neighborhood that was difficult to define and those who were opposing it wanted to maintain that quality. He realized this type of criterion was not considered in making a legal decision on the land division, but he felt the quality of life in Ann Arbor was related to the quality of this neighborhood.

Noting no further speakers, Miree declared the public hearing closed.

Moved by Seamans, supported by Simon, that the Ann Arbor City Planning Commission hereby recommends that the Mayor and City Council approve the Malcolmson Land Division.

Nwankwo asked how wide the road was.

Rampson replied that the right-of-way width varied from 17 feet to about 25 feet.

Miree asked if this met City standards.

Rampson stated that it did not.

Miree said the elevations on the proposed lot seemed steep and he questioned whether a house could be built on it.

Rampson replied that this had not been determined, but she said the slope was more at the front of the parcel and it leveled off toward the middle and rear, thereby creating space for a house to be constructed.

Miree said he was sympathetic to the neighbors' concerns in terms of maintaining the aesthetic values of the neighborhood, but he said Commission was confined to approving a land division if it met ordinance requirements. Because this land division complied with City ordinance requirements, he said he would support the land division request.

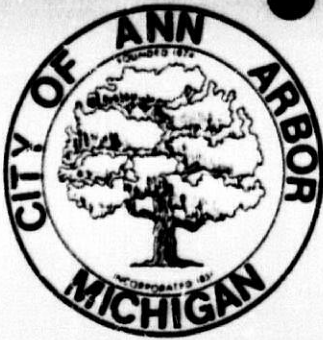
Simon said she also would support the request because she did not think it would be a detriment to the neighborhood. In looking at the plat maps, she thought the proposed lots would be consistent with existing lots in the neighborhood. She said there were a few larger lots on Ridgeway East, but she was not sure this would be a legitimate reason to deny the request. She pointed out that the property was fairly close to Geddes Road, not north toward the loop with Ridgeway East. She

agreed that the street was narrow and congested, but she did not think this land division would necessarily worsen the situation.

A vote on the motion showed:

YEAS: Checkoway, Miree, Nwankwo, Rein, Seamans, Simon, Smith
NAYS: None
ABSENT: Offen, Walz

Motion carried.



Planning Department

CITY OF ANN ARBOR, MICHIGAN

100 N. Fifth Avenue, P.O. Box 8647, Ann Arbor, Michigan 48107

Phone (313) 994-2800 FAX (313) 994-2799

May 17, 1994

Margaret Malcolmson
3 Ridgeway West
Ann Arbor, Michigan 48104

Subject: Malcolmson Land Division

Dear Mrs. Malcolmson:

The Ann Arbor City Council, at its meeting of May 16, 1994, approved the resolution to divide your property at 3 Ridgeway West into two separate parcels. The City Assessor will now establish tax parcels for these new lots. You are responsible for handling any other title requirements.

If you need a certified copy of the City Council resolution, this can be obtained from the City Clerk's Office. Please contact me if you have questions concerning this action.

Sincerely,

Karen Popek Hart, AICP
Planning Director

KPH/lgh

c: City Assessor
City Clerk
Building Department
File No. 9284M18.8

PROJECT UP-DATE SHEET

FILE NUMBER: 9284M18.8

AREA: 0.42 Acre

SUBJECT: Malcolmson Land Division

LOCATION: 3 Ridgeway West

PETITIONER: Margaret Malcolmson OWNER: same
3 Ridgeway West
Ann Arbor, MI 48104

PHONE#: 663-7471 PHONE #: _____

*PROJECT DESCRIPTION: _____

	COMMENTS	DATE
PETITION FILED		3/29/94
STAFF RECOMMENDATION	<i>Approval</i>	
CPC PUBLIC HEARING	<i>closed</i>	5/3/94
CPC RECOMMENDATION	<i>Approval (7-0)</i>	5/3/94
<u>CITY COUNCIL</u>		
First Reading		
Public Hearing <i>5/16</i>	<i>closed</i>	<i>5/16/94</i>
Second Reading or <i>5/16</i> Approval by Resolution	<i>Carried</i>	<i>5/16/94</i>
ZONING BOARD OF APPEALS ACTION		---
ANNEXATION APPROVED BY SECRETARY OF STATE		---
MAPS UPDATED		---
FILE CLOSED OUT		<i>5/17/94</i>

*Proposed housing type and number of dwelling units and/or other use and proposed floor area

6/14/82
lg/m