

From: Susan Lebold <susan.lebold@gmail.com>

Sent: Wednesday, April 15, 2020 5:24 PM

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

Subject: zoning appeal for 7 Ridgeway St.

Hello - I would like to respectfully submit my objection to any expansion of setback boundaries for the undeveloped property located at #7 Ridgeway in Ann Arbor. I live on this street (#33) and the northwest corner of my lot looks out onto #7. In recent years I have witnessed two large homes being built on this small street. In both cases the homes are much larger than the size of the lots would suggest were appropriate, and one of them is a particular eyesore that is so large and so close to the curb that it overwhelms the whole street.

Just because a large house theoretically fits onto a small postage stamp of a lot doesn't mean it should be built. Moving the setback lines to allow a much larger structure on a small lot (the intent presumably being to increase the investment value of the lot prior to its sale) violates the intent of having the setback rules in the first place. It also risks devaluing the other properties on the street due to the lack of compatibility with the other houses nearby that are within the required setbacks. I believe zoning rules are intended to reasonably manage development in a way that is conducive to a sense of community scale and continuity within neighborhoods. I can think of no compelling reason that a larger home is needed on that small space of land on a narrow street that doesn't even have room for on-street parking.

Please do not grant an expansion of the setbacks for #7. A perfectly functional and habitable and charming house can be built within the existing lines.

Thank you for your consideration.

Susan Lebold, JD, LMSW

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From: Carolyn Lepard <cblepard@aol.com>
Sent: Friday, April 17, 2020 11:28 AM
To: Barrett, Jon <JBarrett@a2gov.org>
Cc: gfarnik@umich.edu; kraig.salvesen@gmail.com
Subject: 7 Ridgeway Street

Dear Mr. Barrett:

I am writing to strenuously object to the variances requested for the lot setbacks for #7 Ridgeway for the following reasons:

1. The lot as it exists is a buildable lot suitable for a home the same footprint as my home at 41 Ridgeway. Although variances would allow for a larger home to be built, that is not a necessity.
2. Our neighborhood is among the densest single family in the City with extremely limited parking.
3. Increased traffic will be a burden on Ridgeway, a very narrow street.

As a 40+ year active member of the local Real Estate Community, I have a unique perspective on local housing. R-3 zoning is appropriate for the neighborhood and the lot size and setback restrictions must be maintained.

Sincerely,

Carolyn Lepard, Associate Broker
Charles Reinhart Realtors

Carolyn Lepard
The Spirit of Ann Arbor
Reinhart Realtors
734-417-2900

From: Markley Jr, John <jmmjr@med.umich.edu>
Sent: Sunday, March 15, 2020 4:14 PM
To: Planning <Planning@a2gov.org>
Subject: ZBA20-005; 7 Ridgeway Street

My wife and I, living at 21 Ridgeway Street, are strongly opposed to this appeal for required setback reductions (ZBA20-005). This property lies immediately south of ours and is too small for a structure of the size that would be allowed by moving the front and rear setbacks to a larger configuration.

John Markley Jr.,MD

Barbara C. Markley

21 Ridgeway Street (east), Ann Arbor

Electronic Mail is not secure, may not be read every day, and should not be used for urgent or sensitive issues

From: Markley Jr, John <jmmjr@med.umich.edu>
Sent: Wednesday, April 15, 2020 3:54 PM
To: Barrett, Jon <JBarrett@a2gov.org>
Subject: ZBA20-005: 7 Ridgeway Street

Dear Mr. Barrett:

Before the original hearing on the matter of the zoning appeal **ZBA20-005: 7 Ridgeway Street** was postponed due to covid-19, my wife and I wrote to you in very strong opposition to this appeal. We are writing again because we cannot find our record of that communication and want to be sure our opinion is heard. We live at 21 Ridgeway (East) and one border of our back yard joins the 7 Ridgeway Street lot in question.

We are very, very opposed to the proposed variances requested, as are all the contiguous neighbors. This lot is far too small to allow a building with the footprint that would be permitted by the setback changes proposed.

We strongly request and urge that the ZBA deny this appeal.

Thank you,

John and Barbara Markley

21 Ridgeway Street, Ann Arbor

734-665-5921

Electronic Mail is not secure, may not be read every day, and should not be used for urgent or sensitive issues

From: Markley Jr, John <jmmjr@med.umich.edu>
Sent: Thursday, April 16, 2020 9:29 AM
To: Barrett, Jon <JBarrett@a2gov.org>
Subject: Re: ZBA20-005: 7 Ridgeway Street

Mr. Barrett,

Yesterday my wife and I wrote to you of our opposition to the setbacks appeal for 7 Ridgeway, ZBA20-005. Having now read the applicant's application document I wish to point out several significant errors in that document, on page 5.

First, the application states on p.5, item (2),

"2) Unique adjoining yard conditions: the properties to the north is a thru-lot meaning that it has two (2) front yards. The property to the south is fronting Geddes. Essentially this property abuts two rear yards and is the only property on this side of the Ridgeway peninsula that fronts toward the west for access to the property."

This is incorrect. The first sentence, "the properties to the north is a thru-lot meaning that it has two (2) front yards" is true. This is the property owned by my wife and myself, 21 Ridgeway. However, "The property to the south is fronting Geddes" is patently incorrect. The property to the south of 7 Ridgeway is 3 Ridgeway, owned by Mr. Salvesen, and his house fronts on Ridgeway Street (west) and has no frontage whatsoever on Geddes Avenue. The property to Salvesen's south, the Anthroposophical Society headquarters building fronts on Geddes.

In addition the statement " Essentially this property abuts two rear yards and is the only property on this side of the Ridgeway peninsula that fronts toward the west" is wrong. Both 7 Ridgeway and 11 Ridgeway front west, on Ridgeway west.

Second, the statement further down page 5, "As there is no structure to the north nor to the south that allows direct measurement of the front yard..." is wrong. Both my house and that of 7 Ridgeway allow this. In fact, some time last fall my wife and I saw a two-man survey crew in our back yard making measurements using the south-west corner of our house as one reference point and making survey measurements in all directions from there and also on the lot at 3 Ridgeway. When we enquired of

them what they were doing they told us they were hired by the City of Ann Arbor to determine measurements relative to the 3 Ridgeway lot. So presumably the city has these available and they clearly used a structure to the north, our house, as a reference point.

Please bring these comments to the attention of the zoning board at the April 22 hearing.

Thank you,

John Markley, 21 Ridgeway

From: Markley Jr, John
Sent: Wednesday, April 15, 2020 3:53 PM
To: jbarrett@a2gov.org
Subject: ZBA20-005: 7 Ridgeway Street

Dear Mr. Barrett:

Before the original hearing on the matter of the zoning appeal **ZBA20-005: 7 Ridgeway Street** was postponed due to covid-19, my wife and I wrote to you in very strong opposition to this appeal. We are writing again because we cannot find our record of that communication and want to be sure our opinion is heard. We live at 21 Ridgeway (East) and one border of our back yard joins the 7 Ridgeway Street lot in question.

We are very, very opposed to the proposed variances requested, as are all the contiguous neighbors. This lot is far too small to allow a building with the footprint that would be permitted by the setback changes proposed.

We strongly request and urge that the ZBA deny this appeal.

Thank you,

John and Barbara Markley

21 Ridgeway Street, Ann Arbor

734-665-5921

Electronic Mail is not secure, may not be read every day, and should not be used for urgent or sensitive issues

From: Polley, Linda <lpolley@med.umich.edu>
Sent: Wednesday, April 15, 2020 8:09 PM
To: Barrett, Jon <JBarrett@a2gov.org>
Subject: 7 Ridgeway Street, Ann Arbor 48104

Dear Jon and members of the Ann Arbor Zoning Board of Appeals,

I am the homeowner at 12 Ridgeway Street W and I am writing to express my **strong opposition** to the request to reduce setbacks at 7 Ridgeway St W which would allow for construction of a larger home. As you know, Ridgeway is a very narrow and steeply sloped street which borders the Nichols Arboretum. The proposed setback changes will greatly increase congestion and will negatively impact the privacy, light, and views of the 5 homes which surround the lot. I strongly urge you to deny this request and uphold the current zoning and setbacks.

Thank you for your consideration.

Sincerely,

Linda S. Polley
12 Ridgeway Street
Ann Arbor, MI

Electronic Mail is not secure, may not be read every day, and should not be used for urgent or sensitive issues

From: Susan Shore <sushore@umich.edu>
Sent: Sunday, March 15, 2020 12:22 PM
To: Planning <Planning@a2gov.org>
Subject: Re:ZBA20-005, 7 Ridgeway st.

Re:ZBA20-005, 7 Ridgeway st.

I would like to express my disapproval of this request. This is a very narrow street and the house being so close to the street would make it very uncomfortable and unsafe for neighbors and service people.

Thank you.

--

Susan E. Shore, Ph.D.

Professor

Otolaryngology

Molecular and Integrative Physiology

Biomedical Engineering

The Joseph Hawkins Collegiate Research Professor The University of Michigan

734 647-2116

<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fmedicine.umich.edu%2Fdept%2Fkhri%2Fsusan-e-shore-phd&data=02%7C01%7CKVanderLugt%40a2gov.org%7C1c58c9c2a4434259ca9808d7c9a8d242%7C48afa58563754170b9d1e9c568bb92f3%7C0%7C0%7C637199599240727607&sd ata=4HN8WD%2Bd1og%2Bm0tRXVcmzQsQhCJ53Lo8wZVGMtaHV%2Fg%3D&reserved=0>

Mr. Jon Barrett, Zoning Coordinator
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
Ann Arbor/Baltimore

March 23, 2020

City of Ann Arbor ZBA

ZBA20-005

Paul and Susan Bass

11 Ridgeway St.

Ann Arbor, MI 48104

Dear Zoning Board Commission,

We are opposed to the variance request from Ms. McKinley and O/X.

In the words of Ms. McKinley in her opposition letter to the ZBA dated 9/28/16 regarding the variance/setback request from 19 Ridgeway:

“ I think he should have **designed a house to fit the lot size and within the zoning parameters. As proposed, the house will loom over the neighbor's homes and dominate the neighborhood.**” *see page 4*

Ms. Carolyn Lepard at 41 Ridgeway echoed this opinion:

“Upon viewing them, I have decided to **oppose his variance as the building is too massive for the lot and our neighborhood. He needs to design it to fit the zoning parameters.**” *see page 5*

Truer words were never spoken. We were naive to have initially supported this variance for 19 Ridgeway. The house towers over ours and has destroyed our privacy (see ZBA # 18-026).

The Harnicks from 4 Ridgeway also opposed the setback variance for 19 Ridgeway. We agree with and apply to 7 Ridgeway their reasons for opposing that variance request. *see page 6*

The current residents of 3, 4, 6, 8, 21 and 25 Ridgeway will be directly affected by any building that occurs on 7 Ridgeway. Their input should be strongly considered when deciding to approve the variance.

Concerns with documentation submitted:

The current owner may not be requesting to build right up to the proposed setbacks, but that does not ensure the new owner would not build a house right up to the edges. There is no guarantee of what would be built, unless there is a house being already designed behind the scenes and a sale that is contingent upon the approval of this variance.

The hardship is self-imposed due to the fact that the option of dividing this small lot from 3 Ridgeway was the decision of Ms. McKinley. She was cognizant of the size and topography of the lot. The City of Ann Arbor, Project #9284M18.8 approved the lot buildable within the zoning parameters and thereby able to be divided from 3 Ridgeway. If the zoning wasn't acceptable to Ms McKinley, the lot should not have been divided.

The size and scale of the original and majority of the houses on this isolated street are small by today's standards. Sizes of houses from adjoining neighborhoods should not be taken into account as they are not visible from Ridgeway and the topography is not the same. A small house, ~2100 sq. ft. or less, is appropriate for this lot. Anything more will be a looming behemoth, will further destroy and erode character of Ridgeway St. and will compromise any hope of privacy for the adjacent neighbors.

Terrain Conditions, page 11 - Building a house higher or lower on a property does not ensure privacy. Witness the view from the fronts of 10 and 12 Ridgeway. Either way, privacy would have been/was compromised.

Questions

1. Would a new build with the requested setback conform with Ann Arbor City Municipal Code, Table 5.19.1 - 1 street parking space? There is no street parking adjacent to this lot and if my understanding is correct, the City requires one street parking place.
2. Where will construction trucks park? The City needs to consider this thorny issue. The street is very narrow near this lot; there is no street parking. The most recent new construction on our street has taken almost 2 years per house. Trucks on the street will block access to existing homes on west

Ridgeway. Emergency vehicles, delivery trucks and snowplows will not be able to get through, especially if another homeowner is having work done on the East Ridgeway. These scenarios have already happened to us, so this not just a "what if" - this is a serious, real-world concern. Ridgeway St. is crumbling from all the heavy construction traffic and water run-off in the last 4 years. For those of us working from home, the daily disruption borders on construction harassment.

After living at 3 Ridgeway for a number of years and according to her 2016 letter, Ms. McKinley is aware of her former neighbors' feelings about building houses that dwarf the existing homes that change the quiet, charming character of the neighborhood, and ruin the privacy and quality of life of others who have chosen to live here because of the aforementioned traits.

Thank you for considering this opinion,

Susan Bass

Paul Bass

From: Margaret McKinley
Sent: Wednesday, September 28, 2016 9:50 AM **To:** Barrett, Jon
Cc: Carolyn Leopard
Subject: Re: opposition to Sandberg Variance

Mr. Barrett,

I came to the same conclusion as Carolyn Lepard after looking at Mr. Samberg's plans and talking with him. As a working architect, he would have known the challenges of the lot when he bought it. I think he should have designed a house to fit the lot size and within the zoning parameters. As proposed, the house will loom over the neighbor's homes and dominate the neighborhood.

I oppose the variance.

Regards,
Margie McKinley

(Resident at 3 Ridgeway Street)

From: Carolyn Lepard
Sent: Wednesday, September 28, 2016 8:43 AM **To:** Barrett, Jon;
Cc:
Subject: Sandberg Variance

Jon: Margie McKinley and I met with Warren Sandberg yesterday and he showed us his plans for the property. Upon viewing them, I have decided to oppose his variance as the building is too massive for the lot and our neighborhood. He needs to design it to fit the zoning parameters. Not too excited about the fact that he plans to have a home office with clients visiting in this small residential area. And that home office is what pushes the building into the setback. cbl

Carolyn Lepard

The Spirit of Ann Arbor

Reinhart Realtors

734-417-2900

[Resident at 41 Ridgeway Street]

From: Gillian Feeley-Harnik
Sent: Saturday, September 24, 2016 4:47 PM
To: Barrett, Jon
Cc: Westphal, Kirk; Taylor, Christopher (Mayor); Alan Harnik
Subject: ZBA 16-022: 19 Ridgeway St. Samberg request. Zoning Board Mtg
Wed/Sept 28

Mr. Jon Barrett, Zoning Coordinator
Zoning Board of Appeals
City of Ann Arbor
Larcom City Hall – 301 East Huron St.
Ann Arbor, MI 48104 24 September 2016

RE: ZBA 16-022: 19 Ridgeway St. Owner Warren Samberg's request for a variance reducing the 40 foot front setback on the west side by roughly half (to 22 feet 1 inch).

Dear Mr. Barrett,

We live at 4 Ridgeway St. We live just outside the 300-foot radius around 19 Ridgeway that our municipal laws presume to contain the only parties who would be affected by Mr. Samberg's request. We live two houses up from 10 and 12 Ridgeway directly west of Mr. Samberg's property. However we **are** involved in this matter as (1) property owners in this small neighborhood and (2) residents who cherish its unique qualities. We are out of town on Wednesday, September 28th, when the Zoning Board of Appeals meets on this matter, whence this letter. We are **WHOLLY OPPOSED** to Mr. Samberg's request for the following reasons.

As property owners

Mr. Samberg's request, if granted, would create a precedent that owners could invoke to make similar changes to other properties in this neighborhood in the future. The consequences would be as bad for us as they will be for our neighbors now west of Mr. Samberg's lot. At 4 Ridgeway we look across to 3 Ridgeway, a double-lot on the ridge above us. We have excellent relations with the owner of 3 Ridgeway. But if that double-lot were ever sold, and if the new owner could draw on a precedent in the Samberg case to build closer to the road, such a structure – or structures on both lots – would have the same **very adverse** effects that Mr. Samberg's request will have on his neighbors: (a) it would block our sunlight from the east; (b) block our now open views to the east; and (c) destroy our privacy on that side of our house. The houses on the ridge in the middle of Ridgeway are much higher than those like our house lower down the ridge on the opposite side of the road. Currently we are all – up and down the ridge – sheltered by bands of trees and bushes. If properties on the ridge were built closer to the road, only a high band of evergreens could shelter our house. Our neighbors now confronting Mr. Samberg's property don't have even that option because their houses are situated on a steeper narrower section of the ridge with no leeway between the road and their housefronts.

As residents

* If Kirk Westphal, one of our two representatives of Ward 2 on the City Council and a member of the Zoning Board of Appeals, is at the meeting on September 28/Wednesday, then he can describe the special qualities of our neighborhood at first hand. In case, he is not there:

* Ridgeway – the narrow street is a cul de sac curving north-south around a ridge from Geddes back to Geddes – is a distinctive neighborhood because most of the houses back onto the University of Michigan's Arboretum, and they are also well separated from one another by large blocks of foliage, providing beauty and privacy. We moved into

this neighborhood in 1998 because it is such a beautiful bit of countryside right close to the University and University Hospital (workplaces for many in the neighborhood, including one of us). We chose to live here

– as opposed to the many other neighborhoods near the University – because those other neighborhoods were filled with huge houses crowded next to one another on small lots, perhaps as a result of such a variance as is being considered here.

* Owing to the distinctiveness of the neighborhood, we are all long-term residents. We’ve lived at 4 Ridgeway (built in 1941) almost twenty years; our predecessors lived in the same house for at least forty years, and there was only one other owner before them. The Selo-Shevel family, who sold 19 Ridgeway to Mr. Samberg, had occupied their property (a double lot with 11 Ridgeway) for at least forty years before they moved to California last year. It might be noted that their realtor’s description of their house/lot (at # 11) was: “Situated on a hill, this home has treetop views of the surrounding area, including the Arboretum, while giving you total privacy” (http://www.zillow.com/homedetails/11-Ridgeway-St-Ann-Arbor-MI-48104/24700500_zpid/, accessed 23 September 2016), privacy and beauty that Mr. Samberg’s request will destroy for his neighbors.

Like our neighbors, we cherish our neighborhood for its distinctive qualities – and we value our good and thoughtful neighbors for caring too. We urge you to hear why – based on all the reasons outlined above – we are **COMPLETELY OPPOSED** to Mr. Samburg’s request for a variance, and we urge you to preserve the zoning laws that have helped to maintain our neighborhood, now his too, and not wear it down with variances.

Sincerely,

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

Alan Harnik President

Notes and Queries Fine Stationary

cc. Kirk Westphal, Council Member for Ward 2, Ann Arbor Christopher Taylor, Mayor, Ann Arbor

From: Tris and Edna Coffin: April 16, 2020

To: Ann Arbor Zoning Board of Appeals

We wish to strongly object to the proposed change in variance for the lot at #7 W. Ridgeway St. Our lot at #25 E. Ridgeway St. is directly east of the lot at #7. The distance from the back of our house to the back of the lot at #7 is just 20 feet. Changing the setback for #7 from 30 ft to 20 ft. would leave a separation of houses of only 40 ft. which we feel would be quite oppressive, especially if a new house were to be high. We clearly had no say in the current setback of our house since it was built around 1930.

We also object to having the scheduled hearing at a time when the virus epidemic precludes a face to face meeting. What is the hurry?

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

Sent: Friday, April 17, 2020 12:00 PM

To: Barrett, Jon <JBarrett@a2gov.org>; Vander Lugt, Kristen <KVanderLugt@a2gov.org>

Subject: My opposition to proposed zoning variance at #7 Ridgeway

Dear Mr. Barrett and fellow members of the Zoning Board of Appeals,

Hello, my name is Kraig Salvesen, resident of #3 Ridgeway St., located immediately south of #7 Ridgeway. I strongly oppose the granting of a variance to the petitioners, with my opposition falling under three main heads: (greater detail to be found in subsequent sections):

- **This request for variance is based on a hypothetical future development of the site, and should be made at a later date in conjunction with a proposed development**
 - City Code clearly states that appeals are to be granted "only in cases involving practical difficulties"; the current case involves no practical difficulties whatsoever as the owner is not proposing to build on the lot, but rather trying to forestall practical difficulties for her prospective buyer in furtherance of her financial interest. This does not seem to me to accord with the conditions established by the City Code for granting variances.

- **My property, #3 Ridgeway, is misrepresented as both "fronting Geddes" and facing south: it actually faces west, as would any development of #7, and is separated from Geddes by the Anthroposophical Society building**
 - The verbal portion of the application reads, inaccurately as if my house faces towards Geddes, with the consequence that development of #7 would be in my back yard. **In fact, my house faces Ridgeway to the west – my front setback is very relevant in establishing a template for a neighboring house**, particularly in light of the fact that current side setbacks allow #7 to be built extremely close to my house (~15 feet away). At that range, every foot farther west (towards the road) has a massive impact on my sightlines, such as would not be the case if the side setbacks were more typical
 - Curiously, multiple locations in the back section, pp. 7-13, correctly refer to the western Ridgeway-facing side of my house as the "front", both in diagrams and in text prepared by the applicants – **there seems to be a lack of consistency and attention to detail manifested in this application, or alternatively a substitution of the necessary interpretation where needed**, i.e., "facing away from #7" where needed, without taking the time to address the discrepancy in the supporting material.

- **The severe impact this variance would have on my property**, qualitatively, financially, and structurally, consisting in (but not limited to)
 - The impact of allowing a new structure to overhang the front of my house by an additional ten feet – I estimate that the SW corner of the new house would be contained on a line projected roughly 45 degrees out from the NW corner of my house
 - Additional undercutting of the soil on a steep slope, again within very close proximity to my 101-year old house which is terraced at a significantly higher level than the majority of #7
 - Potential removal of ~12 feet of my retaining wall fronting Ridgeway, posing additional hazard to the stability of my foundation and South and West walls

- Almost complete loss of privacy on the first floor of my house, which features clear sightlines along the length of the structure through north-facing windows towards the potential new development

- "A variance may be granted by the Zoning Board of Appeals only in cases **involving practical difficulties** or unnecessary hardships when all of the following statements are found to be true" (emphasis mine)
- It appears to me that the application **fails to meet this test completely as the applicant is not currently engaged in any plan to make concrete improvements to the property,** sketch on p. 13 and the fact that much of the document reads like an architect's proposal notwithstanding. Rather, the applicant is engaged in an attempt to sell the property (see realtor's sign on the lot as of 2/2020, and "for sale by owner" sign on the property for most of 2019). The subsequent materials go into great detail regarding topography, the appropriateness of applying various setback rules to potential new construction, and even goes so far as to use the language "the owner is not requesting building..." on p. 5 **as if** there were a current development under consideration, all losing sight of or obscuring the fact that none of these issues are relevant at this time **in a practical sense as specified in the City Code Chapter 55** as cited above. **The only practical undertaking the owner is currently engaged in is the attempt to sell the property.** The issue is not yet ripe for consideration, and should be brought to the Board by an owner, whoever that may be, requesting a variance in the furtherance of a concrete proposal, the impact of which may be properly gauged by the neighborhood.
- Why should this matter practically speaking, beyond incongruity with the wording of the criteria for awarding a variance? It seems to me that considering an issue in this light, when it is a **future hypothetical case** and not a concrete proposal, practically guarantees an inability to come to any sort of compromise that is mutually satisfying to both sides of the issue, *pro* and *con*. With a concrete proposal, there is an opportunity to jointly develop a solution that gives the developer what they are after, while preserving enough of what is important to the surrounding neighborhood through the adjustment of physical parameters, boundaries, and other tangible quantities. With a hypothetical, it seems to me extremely difficult for one side to answer the question "how much will make you happy," or for the other side to answer "how much is too much," and the respective pushes will be for "all" and "nothing." Contention is maximized.
- In particular, it seems to me impossible for the applicants to formally address the final point of the five-part test outlined in Ch. 55 Sec. 5:29, that variance be the "minimum variance that will make possible a reasonable use of the land or structure", since the **applicants themselves** are not proposing to make any use of the property other than as a financial instrument. There is no minimum variance that will allow achievement of discrete development objectives, since the owner has no such objectives in mind. However, as a practical matter to the current owner, a continuous increase in property value accrues as a result of suspending existing zoning restrictions, incentivizing maximum variance, or the maximum she feels she can achieve. The statute clearly states that **ALL** of the five statements must be true, so the weakness of this particular point is crucial to the overall argument.

- If the owner of #7 and her representatives feel that they have a strong case for a variance, then they should have no fears that a future owner of the property will succeed in petitioning for the change at such time as it is relevant. Considering a variance now, however, puts the neighbors at risk of being in the awkward position of not being able to argue effectively against the variance for lack of concrete plans object to, being in a sense reduced to simply repeating "no, no, no," and then hearing at a future time that "the issue has already been decided" when new development is pursued along lines to which prior hypothetical assent has been given. The discussion of "what kind of development in the abstract should be allowed" should be suspended in favor of discussing a future concrete proposal when such proposal is made – there is no need to have the debate or discussion now independently of specific plans, and the only potential benefit to doing so would be to the financial interest of the current owner.
- Finally and perhaps most importantly, **it seems that a willingness to consider variances on the basis of hypothetical future development is tantamount to allowing any property owner to apply for a variance at any time**, i.e., an "opening of the floodgates." Any owner could say "if I were to do X, it really would be great if I weren't restricted by regulation Y" at any time it pleased them, making their most persuasive attempt to show hardship "in theory" (as opposed to in practice), and the Board could be flooded by such proposals if the test of **current practical difficulties** is suspended. **It seems to me that if we are to have zoning restrictions at all, there should be a strong presumption in favor of retaining them until there is a specific variance requested by a property owner engaged in the act or the prospect of improving their property, the reasonability of which can be assessed according to its particular merits, and the particular impacts of which can be judged by other interested parties.**
- **Inaccuracies, inconsistencies and misrepresentations**
 - Numerous inaccuracies on p. 5, misrepresenting the orientation and even the location of my house:
 - **"The property to the south is fronting Geddes"**, in reference to my property at #3 Ridgeway
 - "Essentially this property abuts two rear yards and is the only property on this side of the Ridgeway peninsula that fronts towards the west for access to the property" – false, my property fronts towards the west and is #7's most immediate neighbor
 - Subsequent section: "As there is no property to the north nor (sic) the south that allows direct measurement the front yards (sic)" – again, false. #3 is #7's immediate neighbor, and the front setback is clearly illustrated on pages 9 and 13
 - **However, applicant's text on p. 9, second paragraph under Actual Average Existing Setbacks reads: "the proposed house's only neighbor sharing the same street-side orientation (3 Ridgeway St.) has a generous 45' front setback"**. Diagrams included on page 9 and 13 also clearly show my house facing towards the west, and show the extent of my front setback.
 - This is accurate, but **completely contradicts the text on p. 5**, indicating that my house faces south, which is central to the argument for a variance. **Is it the Zoning Board's intention to treat the text on p. 5 as if it has been written in good faith, given that it is flatly contradicted by the supporting materials?** I surely hope not! At the very least this reveals a disrespectful lack of care and attention to detail in preparing this document, if not a willingness to

- misrepresent critical details to advance a desired narrative, namely, that my house will be less impacted by #7 as it faces in the opposite direction
- It is my opinion that the interests of the public are best served by taking applications at face value, not "what they clearly meant to say" – although in this particular case, it is not clear what the application means to say in regard to the orientation of my house. These details are of great import to the neighbors, and should be both correct and consistent across submitted materials. In this case, **applicants should be asked to address and account for the discrepancy**
 - The fact of the matter is, #3 faces west just like #7 would do, and so it seems reasonable for me to request that the new house have a substantially similar setback to mine. Anything else would result in the spectacle of two quite prominent houses built more or less on top of each other (a minimum separation of ~15' could result under current setbacks), but with #7 and #3 staggered in a gap-toothed and untidy fashion, #7 being far to the front. It seems to me that the intent of the code in question must be to prevent jarring juxtapositions from occurring within neighborhoods, and **this application does a great deal of triangulation to establish a reasonable setback for #7 using indirect methods, while pointedly ignoring the obvious comparison that will be made by the naked eye, namely, to the house with the same orientation located fewer than 20 feet away to the south.**
 - **Severe negative impacts on my property** – much has been written about this on my behalf by my neighbors, I know, but it behooves me to restate here
 - As mentioned above, extreme proximity of #7 to #3 means that a decreased front setback has outsized impact of constraining my field of view
 - This can be seen most clearly in the diagram on p. 9, which gives some idea how the view from the front of my house would be curtailed by roughly 45 degrees, if not more
 - This degree of front extension would destroy the privacy of my front patio area, as it would be completely within view of #7's south-facing side windows
 - Potential structural/physical impact of increasing the scale of excavation/activity in extreme proximity to my house
 - As ably documented by my neighbor Gillian Feeley-Harnik, the division line between #3 and #7 cuts across the existing terracing upon which my house is situated, which presumably dates to the 1919 construction of the house
 - Increased scope of excavation, and extending that excavation further west, increases the quantity of earth that will be removed, and would need to be held in place on my uphill side. This poses greater risk to the integrity of my north wall in particular, and to my walls and foundations in general
 - Increased proximity to the road increases the likelihood a developer would remove the ~12 feet of street-facing retaining wall that belong to #7 as a consequence of Ms. McKinley's successful petition in the 1990s to subdivide her property into two buildable lots (see Feeley-Harnik)
 - In light of the two points above, **what restrictions are in place if any that insure development of #7 must "leave me whole," so to speak? Lot-lines notwithstanding, does #7 have an obligation not to render my structures and/or land unstable, and to bear any costs associated with doing so?**
 - I contacted the Planning division regarding this issue earlier in the year, specifically trying to protect my historic retaining wall and terracing, and

was told things along the lines of: "hopefully a neighbor wouldn't interfere with something like that" and that the City didn't like to get involved in such things, and **came to the conclusion that my only recourse in such case would be to file a lawsuit. Given that this is so, I am disinclined to allow increased scale of development as it increases the magnitude of the potential issue.**

- My north exposure contains the largest windows in the house – both NE and NW corners are essentially "solid windows" as part of what is in effect a solarium situated at the northern end of the house:



- With the increased setbacks, a new development would completely block the entirety of the two north-facing windows, **as well as a good portion of the**

west/front window when viewed from the west extremity of the room (e.g., the table pictured) **given the amount of front overhang being proposed**

- These same north-facing windows command a view of the entire first floor of the house along the north-south axis, as can be seen in the following pictures taken in the living room and dining room respectively:



- **As can be seen above, I am maximally exposed to any new development located at #7, reflecting the fact that for the prior century up until 2017 both parcels were held in common, with #7 being a scenic, tree-shaded lawn. As such, impacts of any new structure on my privacy and on my ability to enjoy the scenic surroundings are maximized.** It is in my interest to keep any new house to the minimum possible size, therefore I oppose any easing of the setback restrictions.

In conclusion, for the reasons enumerated above, I firmly oppose the present request for zoning variance. I should point out that there is a history of contention on this issue, stemming from the time more than 20 years ago when Ms. McKinley was allowed to carve off just enough of my parcel to make #7 a buildable lot. This took place before my time, but my understanding is that the opposition was unified, strong, and pursued at both the City and at a legal level. Given that issue was seemingly resolved in her favor allowing the lot to be built, it seems unreasonable that she should now be allowed to seek further consideration, given how severely the decision I have inherited encumbers my property and the properties of those near me. Jump balls should alternate favoring one team and then the other. She has had 20+ years as owner of both lots to pursue a zoning variance if she had an interest in such a thing on its merits – the fact that it is being proposed at this time when the lot is for sale gives credibility to the notion that her interest in the matter is purely financial.

If this issue is to be proposed and debated, let it be done so among neighbors: the current residents of Ridgeway and prospective future residents of #7, or at least a developer with some "skin in the game" proposing to usefully improve the land, who have in common a desire to come to a mutually agreeable solution, and who have an ongoing stake in the neighborhood. It is to adjudicate such discussions that I would imagine such a thing as the Board exists, not to forcibly secure favorable considerations on behalf non-residents whose only stake in the neighborhood is financial.

Thank you for your time and consideration.

Yours Sincerely,
Kraig G. Salvesen
3 Ridgeway St., Ann Arbor

From: Gillian Feeley-Harnik <gfharnik@umich.edu>
Sent: Wednesday, April 22, 2020 7:25 PM
To: Barrett, Jon <JBarrett@a2gov.org>
Cc: Vander Lugt, Kristen <KVanderLugt@a2gov.org>; Alan Harnik <alanharnik@provide.net>
Subject: Re: ZBA 20-005: 7 Ridgeway Street - Question about Postponement of this case to June mtg

Dear Mr. Barrett,

Attending the broadcast of the ZBA meeting this evening (via computer), I just heard that the Petitioner (Burroughs on behalf of McKinley) has asked for a postponement of this case to the Zoning Board's mid-June meeting. The Petitioner's request appears to have been made right **IN today's meeting**. The timing raises really worrying questions about **why** -- at this 12th hour -- the Petitioner is suddenly asking for more time?

What is to prevent the Petitioner -- who has now undoubtedly read all the several neighbors' letters opposed to the appeal for the variance -- posted in total just this very mid-afternoon -- from **altering the verbal appeal** to deal with the very particular points raised in writing in local residents' letters?

Of course, the Petitioner must surely have read all those letters in the days Friday-Monday/today in order to be able to address the letter-writers' concerns in his 5-minute presentation in today's meeting. But the coming month **could give** the Petitioner more time to work out a 5-minute presentation for June's meeting that would be more tailored to residents' objections -- and thus of course stronger for his/his client's appeal. Whereas the letter-writers' knowledge of what the Petitioner's arguments **is still limited solely to the PDF of the Petitioners' original appeal**.

I know the members of the Zoning Board are dedicated to giving Petitioners AND Respondents an equally fair hearing. But the structure of these meetings nevertheless **seems to give the Petitioners a very unfair advantage**. I would be grateful for your appraisal of this situation.

With thanks as always for your help and all best wishes,

Gillian Feeley-Harnik and Alan Harnik
4 Ridgeway Street

On Wed, Apr 22, 2020 at 5:18 PM Vander Lugt, Kristen <KVanderLugt@a2gov.org> wrote:

Hi Gillian,

Attached is the updated agenda.

Thank you,

Kristen

From: Gillian Feeley-Harnik <gfharnik@umich.edu>
Sent: Wednesday, April 22, 2020 3:10 PM
To: Vander Lugt, Kristen <KVanderLugt@a2gov.org>
Cc: alanharnik@provide.net; Barrett, Jon <JBarrett@a2gov.org>
Subject: Re: ZBA 20-005: 7 Ridgeway Street on Agenda for today's mtg

Dear Kristen,

Thanks so much!!! All best wishes, Gillian

On Wed, Apr 22, 2020 at 3:00 PM Vander Lugt, Kristen <KVanderLugt@a2gov.org> wrote:

We have received communication from both of those senders. I'll be sure to send over the updated agenda this afternoon.

Thanks,

Kristen

From: Gillian Feeley-Harnik <gfharnik@umich.edu>
Sent: Wednesday, April 22, 2020 2:44 PM
To: Vander Lugt, Kristen <KVanderLugt@a2gov.org>
Cc: alanharnik@provide.net; Barrett, Jon <JBarrett@a2gov.org>
Subject: Re: ZBA 20-005: 7 Ridgeway Street on Agenda for today's mtg

Hi again Kristen,

Thanks for letting me know that Harold Borkin's letter will be going in. Since Friday, you should also have gotten one from Tucker and Ross and possibly also from Kamaly.

Many thanks again, Gillian

On Wed, Apr 22, 2020 at 2:24 PM Vander Lugt, Kristen <KVanderLugt@a2gov.org> wrote:

Hi Gillian,

Yes- thank you for checking in about it. I was informed of the letter from Harold Borkin after the agenda was published on Friday and it will be published with the agenda this afternoon.

Thank you,

Kristen

From: Gillian Feeley-Harnik <gfharnik@umich.edu>
Sent: Wednesday, April 22, 2020 1:36 PM
To: Vander Lugt, Kristen <KVanderLugt@a2gov.org>
Cc: alanharnik@provide.net; Barrett, Jon <JBarrett@a2gov.org>
Subject: Re: ZBA 20-005: 7 Ridgeway Street on Agenda for today's mtg

Dear Kristen,

Thanks so much for sending me this link directly! I now realize that the "Attachments" in the **Agenda - item H-1** were meant to be clickable. But when I click first to get to the Agenda itself, I get the PDF, and item H-1 Attachments is no longer clickable. So thanks for sending me the direct link, which I'll pass on to the neighbors I know.

Also: among the letters that came in BEFORE last Friday (listed under H-1), **Harold Borkin's letter** is not listed under H-1, nor is it in the Attachments you just sent. Could it have gotten left out by accident?

And thanks for letting me know that anything that came in AFTER Friday will be listed this afternoon. That's great, because there should be at least 2 of those.

Many thanks again for your help with this and all best wishes, Gillian

On Wed, Apr 22, 2020 at 12:37 PM Vander Lugt, Kristen <KVanderLugt@a2gov.org> wrote:

Hi Gillian,

Attached to this email is the agenda for tonight's meeting. If you scroll down to item H-1, and click on the blue file number, it will bring you to a [webpage with the attachments](#). Then you'll need to click on the attachments to view them. I linked the page in this email just in case there was any issue opening it from the attached agenda

Additionally, any communication received after the agenda was published on Friday will be added and then the packet will be re-published this afternoon before the meeting. I can send you an updated agenda at that time if you would like. It will also be available online.

Thank you,

Kristen

From: Gillian Feeley-Harnik <gfharnik@umich.edu>
Sent: Wednesday, April 22, 2020 11:28 AM
To: Vander Lugt, Kristen <KVanderLugt@a2gov.org>
Cc: alanharnik@provide.net; Barrett, Jon <JBarrett@a2gov.org>
Subject: Re: ZBA 20-005: 7 Ridgeway Street on Agenda for today's mtg

Hi Kristen,

Just getting back to you because I can't seem to find the letters related to this case (I'm sure they are there, but I can't seem to locate them). If you could send me a link, I'd really appreciate it.

Many thanks and all best wishes, Gillian

On Fri, Apr 17, 2020 at 12:05 PM Vander Lugt, Kristen <KVanderLugt@a2gov.org> wrote:

Hi Gillian,

Yes- the agenda is where links to documents will be. We are publishing the agenda very soon and links to documents will become available.

Thank you,

Kristen

From: Gillian Feeley-Harnik <gfharnik@umich.edu>
Sent: Friday, April 17, 2020 12:01 PM
To: Vander Lugt, Kristen <KVanderLugt@a2gov.org>
Cc: alanharnik@provide.net; Barrett, Jon <JBarrett@a2gov.org>
Subject: Re: letter from Feeley-Harnik & Harnik to be considered in ZBA 20-005: 7 Ridgeway Street

Hi Kristen,

Thanks so much for confirming that you got my letter. I really appreciate it.

Could you please tell me where all the letters for ZBA 20-005: 7 Ridgeway Street will be online? I did find the agenda for the Wednesday April 22 meeting, but no links to documents, but that was yesterday evening, so perhaps too soon.

Many thanks again for your help and all best wishes, Gillian (Feeley-Harnik)

On Fri, Apr 17, 2020 at 11:00 AM Vander Lugt, Kristen <KVanderLugt@a2gov.org> wrote:

Good morning,

Thank you for your comments, they will be shared with the Zoning Board of Appeals.

Kristen

Kristen Vander Lugt (*she/her*)

Administrative Assistant

Planning Department | City of Ann Arbor | 301 E. Huron, 1st Floor • Ann Arbor • MI • 48104

kvanderlugt@a2gov.org | www.a2gov.org/planning

Note: Until further notice I can be reached by phone remotely at 734-210-1791 or by voicemail only at (734) 794-6000 x42618

From: Gillian Feeley-Harnik <gfharnik@umich.edu>

Sent: Thursday, April 16, 2020 1:59 PM

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

Cc: Alan Harnik <alanharnik@provide.net>

Subject: Re: letter from Feeley-Harnik & Harnik to be considered in ZBA 20-005: 7 Ridgeway Street

Dear Mr. Barrett,

Attached please find our letter (Feeley-Harnik and Harnik) concerning the case of # 7 Ridgeway Street to be heard at the meeting of Ann Arbor's Zoning Board of Appeals this coming Wednesday, April 22nd, 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.

If you could confirm that you got our letter and distributed it to the members of the AAZB with the other materials for the meeting, I'd greatly appreciate it.

With many thanks for your help and all best wishes,

Gillian Feeley-Harnik

Gillian Feeley-Harnik, Professor Emerita

Department of Anthropology, University of Michigan, Ann Arbor

<https://lsa.umich.edu/anthro/people/emeritus/gfharnik.html>)

From: Kraig Salvesen <kraig.salvesen@gmail.com>
Sent: Wednesday, April 22, 2020 3:54 PM
To: Vander Lugt, Kristen <KVanderLugt@a2gov.org>
Subject: Re: My opposition to proposed zoning variance at #7 Ridgeway

Thank you for this – I wanted to remind you that I have sent an updated version of my letter, and hope this version (pasted in below) is the one that becomes a matter of record. I see the erroneous version as an attachment under the agenda, which is fine for the purposes of today, but wanted to raise the issue again. The change is trivial, just removing a photograph I accidentally included in lieu of the one that was supposed to be there. The error is scarcely noticeable, but aiming to be as accurate as possible.

Thanks!

Dear Mr. Barrett and fellow members of the Zoning Board of Appeals,

Hello, my name is Kraig Salvesen, resident of #3 Ridgeway St., located immediately south of #7 Ridgeway. I strongly oppose the granting of a variance to the petitioners, with my opposition falling under three main heads: (greater detail to be found in subsequent sections):

- **This request for variance is based on a hypothetical future development of the site, and should be made at a later date in conjunction with a proposed development**
 - City Code clearly states that appeals are to be granted "**only in cases involving practical difficulties**"; the current case involves no practical difficulties whatsoever as the owner is not proposing to build on the lot, but rather trying to forestall practical difficulties for her prospective buyer in furtherance of her financial interest. This does not seem to me to accord with the conditions established by the City Code for granting variances.
- **My property, #3 Ridgeway, is misrepresented as both "fronting Geddes" and facing south: it actually faces west, as would any development of #7, and is separated from Geddes by the Anthroposophical Society building**
 - The verbal portion of the application reads, inaccurately, as if my house faces towards Geddes, with the consequence that development of #7 would be in my back yard. **In fact, my house faces Ridgeway to the west – my front setback is very relevant in establishing a template for a neighboring house,** particularly in light of the fact that current side setbacks allow #7 to be built extremely close to my house (~15 feet away). At that range, every foot farther west (towards the road) has a massive impact on my sightlines, such as would not be the case if the side setbacks were more typical
 - Curiously, multiple locations in the back section, pp. 7-13, correctly refer to the western Ridgeway-facing side of my house as the "front", both in diagrams and in text prepared by the applicants – **there seems to be a lack of consistency and attention to detail manifested in this application, or alternatively a substitution of the necessary interpretation where needed,** i.e., "facing away from #7" where needed, without taking the time to address the discrepancy in the supporting material.

- **The severe impact this variance would have on my property**, qualitatively, financially, and structurally, consisting in (but not limited to)
 - The impact of allowing a new structure to overhang the front of my house by an additional ten feet – I estimate that the SW corner of the new house would be contained on a line projected roughly 45 degrees out from the NW corner of my house
 - Additional undercutting of the soil on a steep slope, again within very close proximity to my 101-year old house which is terraced at a significantly higher level than the majority of #7
 - Potential removal of ~12 feet of my retaining wall fronting Ridgeway, posing additional hazard to the stability of my foundation and North and West walls
 - Almost complete loss of privacy on the first floor of my house, which features clear sightlines along the length of the structure through north-facing windows towards the potential new development

- "A variance may be granted by the Zoning Board of Appeals only in cases **involving practical difficulties** or unnecessary hardships when all of the following statements are found to be true" (emphasis mine)
- It appears to me that the application **fails to meet this test completely as the applicant is not currently engaged in any plan to make concrete improvements to the property**, sketch on p. 13 and the fact that much of the document reads like an architect's proposal notwithstanding. Rather, the applicant is engaged in an attempt to sell the property (see realtor's sign on the lot as of 2/2020, and "for sale by owner" sign on the property for most of 2019). The subsequent materials go into great detail regarding topography, the appropriateness of applying various setback rules to potential new construction, and even goes so far as to use the language "the owner is not requesting building..." on p. 5 **as if** there were a current development under consideration, all losing sight of or obscuring the fact that none of these issues are relevant at this time **in a practical sense as specified in the City Code Chapter 55** as cited above. **The only practical undertaking the owner is currently engaged in is the attempt to sell the property.** The issue is not yet ripe for consideration, and should be brought to the Board by an owner, whoever that may be, requesting a variance in the furtherance of a concrete proposal, the impact of which may be properly gauged by the neighborhood.
- Why should this matter practically speaking, beyond incongruity with the wording of the criteria for awarding a variance? It seems to me that considering an issue in this light, when it is a **future hypothetical case** and not a concrete proposal, practically guarantees an inability to come to any sort of compromise that is mutually satisfying to both sides of the issue, *pro* and *con*. With a concrete proposal, there is an opportunity to jointly develop a solution that gives the developer what they are after, while preserving enough of what is important to the surrounding neighborhood through the adjustment of physical parameters, boundaries, and other tangible quantities. With a hypothetical, it seems to me extremely difficult for one side to answer the question "how much will make you happy," or for the other side to answer "how much is too much," and the respective pushes will be for "all" and "nothing." Contention is maximized.

- In particular, it seems to me impossible for the applicants to formally address the final point of the five-part test outlined in Ch. 55 Sec. 5:29, that variance be the "minimum variance that will make possible a reasonable use of the land or structure", since the **applicants themselves** are not proposing to make any use of the property other than as a financial instrument. There is no minimum variance that will allow achievement of discrete development objectives, since the owner has no such objectives in mind. However, as a practical matter to the current owner, a continuous increase in property value accrues as a result of suspending existing zoning restrictions, incentivizing maximum variance, or the maximum she feels she can achieve. The statute clearly states that **ALL** of the five statements must be true, so the weakness of this particular point is crucial to the overall argument.
- If the owner of #7 and her representatives feel that they have a strong case for a variance, then they should have no fears that a future owner of the property will succeed in petitioning for the change at such time as it is relevant. Considering a variance now, however, puts the neighbors at risk of being in the awkward position of not being able to argue effectively against the variance for lack of concrete plans object to, being in a sense reduced to simply repeating "no, no, no," and then hearing at a future time that "the issue has already been decided" when new development is pursued along lines to which prior hypothetical assent has been given. The discussion of "what kind of development in the abstract should be allowed" should be suspended in favor of discussing a future concrete proposal when such proposal is made – there is no need to have the debate or discussion now independently of specific plans, and the only potential benefit to doing so would be to the financial interest of the current owner.
- Finally and perhaps most importantly, **it seems that a willingness to consider variances on the basis of hypothetical future development is tantamount to allowing any property owner to apply for a variance at any time**, i.e., an "opening of the floodgates." Any owner could say "if I were to do X, it really would be great if I weren't restricted by regulation Y" at any time it pleased them, making their most persuasive attempt to show hardship "in theory" (as opposed to in practice), and the Board could be flooded by such proposals if the test of **current practical difficulties** is suspended. **It seems to me that if we are to have zoning restrictions at all, there should be a strong presumption in favor of retaining them until there is a specific variance requested by a property owner engaged in the act or the prospect of improving their property, the reasonability of which can be assessed according to its particular merits, and the particular impacts of which can be judged by other interested parties.**
- **Inaccuracies, inconsistencies and misrepresentations**
 - Numerous inaccuracies on p. 5, misrepresenting the orientation and even the location of my house:
 - **"The property to the south is fronting Geddes"**, in reference to my property at #3 Ridgeway
 - "Essentially this property abuts two rear yards and is the only property on this side of the Ridgeway peninsula that fronts towards the west for access to the property" – false, my property fronts towards the west and is #7's most immediate neighbor
 - Subsequent section: "As there is no property to the north nor (sic) the south that allows direct measurement the front yards (sic)" – again, false. #3 is #7's

immediate neighbor, and the front setback is clearly illustrated on pages 9 and 13

- **However, applicant's text on p. 9, second paragraph under Actual Average Existing Setbacks reads: "the proposed house's only neighbor sharing the same street-side orientation (3 Ridgeway St.) has a generous 45' front setback"**. Diagrams included on page 9 and 13 also clearly show my house facing towards the west, and show the extent of my front setback.
 - This is accurate, but **completely contradicts the text on p. 5**, indicating that my house faces south, which is central to the argument for a variance. **Is it the Zoning Board's intention to treat the text on p. 5 as if it has been written in good faith, given that it is flatly contradicted by the supporting materials?** I surely hope not! At the very least this reveals a disrespectful lack of care and attention to detail in preparing this document, if not a willingness to misrepresent critical details to advance a desired narrative, namely, that my house will be less impacted by #7 as it faces in the opposite direction
 - It is my opinion that the interests of the public are best served by taking applications at face value, not "what they clearly meant to say" – although in this particular case, it is not clear what the application means to say in regard to the orientation of my house. These details are of great import to the neighbors, and should be both correct and consistent across submitted materials. In this case, **applicants should be asked to address and account for the discrepancy**
- The fact of the matter is, #3 faces west just like #7 would do, and so it seems reasonable for me to request that the new house have a substantially similar setback to mine. Anything else would result in the spectacle of two quite prominent houses built more or less on top of each other (a minimum separation of ~15' could result under current setbacks), but with #7 and #3 staggered in a gap-toothed and untidy fashion, #7 being far to the front. It seems to me that the intent of the code in question must be to prevent jarring juxtapositions from occurring within neighborhoods, and **this application does a great deal of triangulation to establish a reasonable setback for #7 using indirect methods, while pointedly ignoring the obvious comparison that will be made by the naked eye, namely, to the house with the same orientation located fewer than 20 feet away to the south.**
- **Severe negative impacts on my property** – much has been written about this on my behalf by my neighbors, I know, but it behooves me to restate here
 - As mentioned above, extreme proximity of #7 to #3 means that a decreased front setback has outsized impact of constraining my field of view
 - This can be seen most clearly in the diagram on p. 9, which gives some idea how the view from the front of my house would be curtailed by roughly 45 degrees, if not more
 - This degree of front extension would destroy the privacy of my front patio area, as it would be completely within view of #7's south-facing side windows
 - Potential structural/physical impact of increasing the scale of excavation/activity in extreme proximity to my house
 - As ably documented by my neighbor Gillian Feeley-Harnik, the division line between #3 and #7 cuts across the existing terracing upon which my house is situated, which presumably dates to the 1919 construction of the house

- Increased scope of excavation, and extending that excavation further west, increases the quantity of earth that will be removed, and would need to be held in place on my uphill side. This poses greater risk to the integrity of my north wall in particular, and to my walls and foundations in general
- Increased proximity to the road increases the likelihood a developer would remove the ~12 feet of street-facing retaining wall that belong to #7 as a consequence of Ms. McKinley's successful petition in the 1990s to subdivide her property into two buildable lots (see Feeley-Harnik)
 - In light of the two points above, **what restrictions are in place if any that ensure development of #7 must "leave me whole," so to speak? Lot-lines notwithstanding, does #7 have an obligation not to render my structures and/or land unstable, and to bear any costs associated with doing so?**
 - I contacted the Planning division regarding this issue earlier in the year, specifically trying to protect my historic retaining wall and terracing, and was told things along the lines of: "hopefully a neighbor wouldn't interfere with something like that" and that the City didn't like to get involved in such things, and **came to the conclusion that my only recourse in such case would be to file a lawsuit. Given that this is so, I am disinclined to allow increased scale of development as it increases the magnitude of the potential issue.**
- My north exposure contains the largest windows in the house – both NE and NW corners are essentially "solid windows" as part of what is in effect a solarium situated at the northern end of the house:





- With the increased setbacks, a new development would completely block the entirety of the two north-facing windows, as well as a good portion of the west/front window when viewed from the west extremity of the room (e.g., the table pictured) given the amount of front overhang being proposed
- These same north-facing windows command a view of the entire first floor of the house along the north-south axis, as can be seen in the following pictures taken in the living room and dining room respectively:





- As can be seen above, I am maximally exposed to any new development located at #7, reflecting the fact that for the prior century up until 2017 both parcels were held in common, with #7 being a scenic, tree-shaded lawn. As such, impacts of any new structure on my privacy and on my ability to enjoy the scenic surroundings are maximized. It is in my interest to keep any new house to the minimum possible size, therefore I oppose any easing of the setback restrictions.

In conclusion, for the reasons enumerated above, I firmly oppose the present request for zoning variance. I should point out that there is a history of contention on this issue, stemming from the time more than 20 years ago when Ms. McKinley was allowed to carve off just enough of my parcel to make #7 a buildable lot. This took place before my time, but my understanding is that the opposition was unified, strong, and pursued at both the City and at a legal level. Given that issue was seemingly resolved in her favor allowing the lot to be built, it seems unreasonable that she should now be allowed to seek further consideration, given how severely the decision I have inherited encumbers my property and the properties of those near me. Jump balls should alternate favoring one team and then the other. She has had 20+ years as owner of both lots to pursue a zoning variance if she had an interest in such a thing **on its merits** – the fact that it is being proposed at this time when the lot is for sale gives credibility to the notion that her interest in the matter is purely financial.

If this issue is to be proposed and debated, let it be done so among neighbors: the current residents of Ridgeway and prospective future residents of #7, or at least a developer with some "skin in the game" proposing to usefully improve the land, who have in common a desire to come to a mutually agreeable solution, and who have an ongoing stake in the neighborhood. It is to adjudicate such discussions that I would imagine such a thing as the Board exists, not to forcibly secure favorable considerations on behalf non-residents whose only stake in the neighborhood is financial.

Thank you for your time and consideration.

Yours Sincerely,
Kraig G. Salvesen
3 Ridgeway St., Ann Arbor



Reza Kamaly
8 Ridgeway West
Ann Arbor, MI 48104

4/17/2020

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

Dear Mr. Barrett,

As a resident property-owner on Ridgeway Street in Ann Arbor, I would like to bring to your attention my utter opposition to the McKinley-Burroughs plan to what amounts to a defilement of the unique green setting of my neighborhood. Most of us who reside on this tiny street have spent decades of our lives attending school, teaching, and working at the University of Michigan and University of Michigan Hospital.

The McKinley-Burroughs plan threatens the very fabric of our neighborhood. Ridgeway houses have many green areas among them, providing privacy in harmony with the pristine setting of the adjacent Arboretum. To build a large house would defile the historic character of the neighborhood, as it would entail the deracination of many trees and upsetting the existing proportionality in size and landscaping of existing houses, going back to a century ago. From a more practical perspective, the McKinley-Burroughs plan would make the urban sanitary functions, including snow removal in wintertime, even more difficult.

I sincerely hope that you, as the Zoning Coordinator of Ann Arbor, would take this objection into kind consideration.

Yours truly,
Reza Kamaly
(Ridgeway West, lot #8)

From: Harold Borkin <borkin@umich.edu>

Sent: Wednesday, April 15, 2020 4:49 PM

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

Cc: Gillian Feeley-Harnik <gfharnik@umich.edu>; Kraig Salvesen <kraig.salvesen@gmail.com>

Subject: Zoning board request for Variance on setbacks for 7 Ridgeway street

To: Zoning board members

I am an architect living at 18 Ridgeway and am opposed to any changes to the setback requirements for the lot on 7 Ridgeway.

There are several reasons for my opposition: The lot was subdivided from the original property when bought by the previous owner Margie McKinley. It is an minimal sized lot for the for the Zoning and located to close to the existing house at 3 Ridgeway at the time of the dividing of the property I and others living on Ridgeway were opposed to the creation of the new lot. I believe that the lot at 7 Ridgeway should not be given any special consideration for changing the the Required setback requirements either for the front or back.

Another reason for my opposition is the fact that there is no plans for a home to be built on lot. The changes requested are only to make the property more marketable at a higher price. This in fact makes the buildable area of a small lot larger. If a house was planned for the site by a new owner and changes were requested to the Zoning Board. The people living on Ridgeway could evaluate the proposed new residence and there would be a basis for support or opposition of such a request. This would be the normal form for such a request to your Board.

Harold Borkin
Professor of Architecture Emeritus
University of Michigan

From: Chad La Joie <clajoie@gmail.com>

Sent: Tuesday, April 21, 2020 12:43 PM

To: Nelson, Elizabeth <ENelson@a2gov.org>; Vander Lugt, Kristen <KVanderLugt@a2gov.org>

Subject: Zoning Board of Appeals on 4-22-2020

Hello Elizabeth,

This is in regards to zoning appeals ZBA20-008 and ZBA120-009.

I live in the house up the slope from these two lots (3105 Andrea Ct) and my understanding of the request is that the builders are asking to build 5-6 feet closer to the road. I think this is fine. But I would like to see two things:

- * They took out a lot of trees from those lots, as they must in order to build. I'd like it if you planted some new, Michigan-native trees on those lots once construction was complete. It would also be nice if they funded the planting of a few trees across the road in the park as well.

- * They are going to have to cut into the slope leading up to my house.

I just want to make sure they do a good job shoring up the embankment after they have done that. As part of that, there are a couple old trees that sit right near the property line. I want to make sure that when they are cutting into the slope they don't damage those trees.

I'll attend tomorrow's meeting but I wanted to send you my thoughts ahead of time.

Thank you,
Chad La Joie

April 17, 2020

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

Dear Mr. Barrett and the Ann Arbor Zoning Board,

If you walk along Ridgeway Street from Geddes as it bends around and back, our homes abut the Nichols Arboretum to the West, the North, and the East. This topographic juxtaposition to the arboretum contributes to the iconic green character of our neighborhood in Ann Arbor and raises questions about the consequences of reducing the green footprint of #7 Ridgeway.

Our family lives at #2 Ridgeway, diagonal to #7 Ridgeway. Our skinny property means that we, along with most in the neighborhood, benefit substantially from more than a century of neighbors who have thoughtfully chosen to preserve existing trees and plant new trees, gardens, and ponds without many border fences. We are concerned that building a large home would require eliminating large trees and require fencing for privacy due to its close proximity to #3 Ridgeway and the street. From our home facing west, we see the greenscape of not only our property but the arboretum, #4 Ridgeway, #1919 and #1913 Geddes; facing north we see #4, #8, #3, #25, and #21 Ridgeway, as well as the lot of #7 Ridgeway. Even on a snowy day like today, the photograph shows how much trees contribute both to privacy and the forested beauty of the neighborhood from one point of view. Eliminating old trees and erecting fences when houses are built so close to each other will change the character of the neighborhood, reduce the economic value of homes, and limit the substantial benefits of green spaces that have long been shown to improve the lives and health of residents.¹



Views from #2 Ridgeway facing west toward the arboretum and north towards the #7 Ridgeway property illustrates how trees rather than fences contribute to privacy, beauty, property value, as well as health benefits for neighborhood residents.

Additionally, we are disturbed that this is moving forward right now during the height of the pandemic. Like most families we know with a member working at the hospital, my husband is dedicated to and consumed with work, and the brief moments at home have been reserved for sleeping, separated from

¹ <https://www.sciencedirect.com/science/article/pii/S0160412018316544>

each other on different floors due to exposure. That the handful of hours we've been together with our ten year old son over the past 5 weeks required a discussion and response to this town hall about pushing boundaries for an imagined buyer seems out of place with many more urgent and essential needs during this time. I imagine there are more neighbors than just us who will struggle to democratically prepare and participate in the town hall with the neighborhood for the board to be assured they have heard.

In conclusion, we oppose the reduction in green space to #7 Ridgeway and because of the difficult timing in which this town hall is being carried out when members of our household will not be able to participate due to the substantial workload for healthcare workers during COVID-19.

Finally, we also want to emphasize that we very much look forward to meeting our future neighbors at #7 Ridgeway and welcoming them to an amazing neighborhood!

Very best and thank you,

Dr. Jennifer Tucker (Ph.D.) and Dr. Ross Blank (M.D.)