



# City of Ann Arbor

## Formal Minutes

### Zoning Board of Appeals

301 E. Huron St.  
Ann Arbor, MI 48104  
[http://a2gov.legistar.com/  
Calendar.aspx](http://a2gov.legistar.com/Calendar.aspx)

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Wednesday, January 22, 2020

6:00 PM

Larcom City Hall, 301 E Huron St, Second  
floor, City Council Chambers

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**A CALL TO ORDER**

*Chair Candice Briere called the meeting to order at 6:06 p.m.*

**B ROLL CALL**

*Chair Briere called the roll.*

**Present:** 8 - Candice Briere, David DeVarti, Michael B. Daniel, Nicole Eisenmann, Todd Grant, Charlotte Wilson, Elizabeth Nelson, and Chris Fraleigh

**C APPROVAL OF AGENDA**

**Moved by DeVarti, seconded by Grant, and approved unanimously as presented.**

**D APPROVAL OF MINUTES**

**D-1**     [20-0143](#)     Minutes of the December 4, 2019 Zoning Board of Appeals Meeting

**Attachments:**     12-4-2019 ZBA Minutes.pdf

**Moved by Daniel, seconded by Eisenmann, approved unanimously as presented and forwarded to the City Council.**

**Yeas:** 8 - Chair Briere, DeVarti, Daniel, Eisenmann, Grant, Wilson, Councilmember Nelson, and Fraleigh

**Nays:** 0

**E PUBLIC HEARINGS**

Comments about a proposed project are most constructive when they relate to: (1) City Code requirements, or (2) additional information about the area around the petitioner's property and the extent to which a proposed project may positively or negatively affect the area.

- E-1**      **20-0142**      ZBA19-033; 1830 Northbrook Drive  
Tara J. Artinian, property owner, is requesting a two-foot variance from Chapter 55 of the Unified Development Code (UDC) Section 5.26 Fences. The property is zoned R1C, Single-Family Residential and allows a maximum fence height of four feet in the front yard. The applicants are requesting a six-foot tall fence in the front yard along Ann Arbor Saline Road. The fence will meet the 50 percent opacity requirement.

**Attachments:**      ZBA19-033; 1830 Northbrook Drive Staff Report with Application and Plans.pdf, 1830 Northbrook Fence Elevation- Update.pdf

*City of Ann Arbor Zoning Coordinator Jon Barrett presented the Staff Report.*

#### QUESTIONS FROM BOARD TO STAFF

*Boardmember Todd Grant inquired about the location of the fence*

*Barrett answered that the fence is proposed to go along the property line.*

*Boardmember Nicole Eisenman inquired the location of the neighbor's fence.*

*Barrett explained that the neighbor's fence is not on the neighbor's property line, but a few feet inside of it.*

*Councilmember Elizabeth Nelson inquired about the neighbor's fence.*

*Barrett answered that the neighbors fence was established prior to the current version of the zoning code, which is why it is as tall as it is.*

*Grant inquired about how much room will be between the fence and the house, and about how close fences are permitted to be to houses.*

*Barrett answered that the owner can put the fence on their property all the way up to the property line.*

#### PRESENTATION BY PETITIONER

*Nishan Artinian, representing the property owner, explained the requested variance. He explained that the owner was unaware of the front yard fence requirement when she purchased the home, he explained that the owner is his daughter. He explained that the fence is for safety*

*purposes, and due to the area being high traffic, the owner is requesting a fence that is not able to be reached over, explaining kidnapping concerns.*

*Grant discussed kidnapping as it relates to the proposed variance, explaining that statistically it is very unlikely that a child kidnapping would take place at the property owner's home.*

*Board member Dave DeVarti inquired about other fencing plans for the property. He also discussed the neighbor's yard, inquiring about the neighbor's fence.*

*Barrett answered that the fence would exist in the front yard, up to the house.*

*Artinian explained that the fence will not be connected to the neighbor's fence and that it will be close to the house. He clarified that there would be enough room to navigate and mow the lawn between the fences.*

*DeVarti explained that he visited the site and said for the record that he was standing next to the fence pictured in the presentation and explained that the neighbor's fence was slightly taller than him and is approximately six feet in height and 100% opaque. He explained that there is already a tall fence neighboring the property and that there are other tall fences in the backyard of home in the neighborhood.*

#### **PUBLIC HEARING**

*Doug Post, R&D Enterprises, explained that he is the fence contractor for the requested fence. He explained that the fence is intended to preserve the existing trees on the property, and that the trees will be on the outside of the fence. He also explained that the fence will also likely be about two feet closer to the house from the property line than initially discussed. He explained that the fence would be nice on football Saturdays to provide privacy and allow the owner to enjoy their yard. He explained that there will also be a gate.*

*Nelson inquired about maintaining the grass on the outside of the fence.*

*Barrett explained that property owners are responsible of the maintenance and upkeep of the lawn extension up to the street in the public right of way.*

*Dianne Malesko, Glenbrook Court, Ann Arbor, explained that she has lived in the subdivision for 37 years, she inquired about the need for the variance, and explained that almost every house in the neighborhood has this type of lot and that the neighborhood is very safe. She expressed opposition for the proposed variance.*

*Seeing no further speakers, Chair Briere closed the Public Hearing.*

**Moved by DeVarti, seconded by Fraleigh, in petition ZBA19-033;  
1830 Northbrook Drive**

**BOARD DISCUSSION:**

*The Board discussed the standards for granting the variance, Home Owner's Association guidelines, there being no neighbors across the street from the proposed fence, the trees on the site, and safety in the neighborhood.*

**On a roll call vote, the vote was as follows with the Chair declaring the motion approved.**

**VARIANCE GRANTED**

**Yeas:** 7 - Chair Briere, DeVarti, Daniel, Eisenmann, Grant, Wilson, and Fraleigh

**Nays:** 1 - Councilmember Nelson

**F UNFINISHED BUSINESS**

*None.*

**G NEW BUSINESS**

*None.*

**H COMMUNICATIONS**

**H-1 [20-0144](#) Various Communication to the Zoning Board of Appeals**

**Attachments:** Communication Regarding 1830 Northbrook Dr.pdf

**Received and Filed**

**I ADJOURNMENT**

**Moved by DeVarti, seconded by Grant to adjourn the meeting.  
Adjourned unanimously.**

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Candice Briere, Chairperson of the Zoning Board of Appeals

/kvl