

**Zoning Board of Appeals  
April 26, 2017 Regular Meeting**

**STAFF REPORT**

**Subject: ZBA17-011, 431 Highland Road**

**Summary:** Matthew and Jennifer Romano are requesting a variance from Chapter 104 Fences Section 8:434 (1)(a) and (1)(b) to allow an eight (8) foot tall, one hundred (100) percent opaque fence to be installed along the first fifty (50) feet of the property. The property is zoned R1B, single-family residential.

**Background and Description:**

The subject parcel is located at the corner of Highland Road and Lafayette Road. The applicants are requesting to construct an eight (8) foot tall, one hundred (100) percent opaque fence along the eastern property line within the first fifty (50) feet of the front yard and connect to the existing fence.

The applicant states that the property is unique because of the corner lot and the property has two (2) front yards. The applicant states that they consider this side their side yard and it is densely vegetated.

The following requirements are excerpts from Chapter 104, Section 8:434(1)(a) and (1)(b):

(1) Fences located in residential districts:

(a) In the required front open space shall not exceed 4 feet in height and 50% opacity

(b) Shall not exceed 6 feet in height and 80% opacity in any part, which is 25 feet behind the front setback line.

**Standards for Approval (Variance):**

The Zoning Board of Appeals has all powers granted by State law and by Section 5:99, Application of the Variance Power from the City of Ann Arbor Zoning Ordinance. The following criteria shall apply:

***The Zoning Board of Appeals of the City of Ann Arbor may, after a hearing in***

***accordance with the established procedures of the Board, in its sound discretion and in the interests of the public health, safety or welfare of the inhabitants of the community, reduce or remit the requirements of this Chapter in individual cases.***

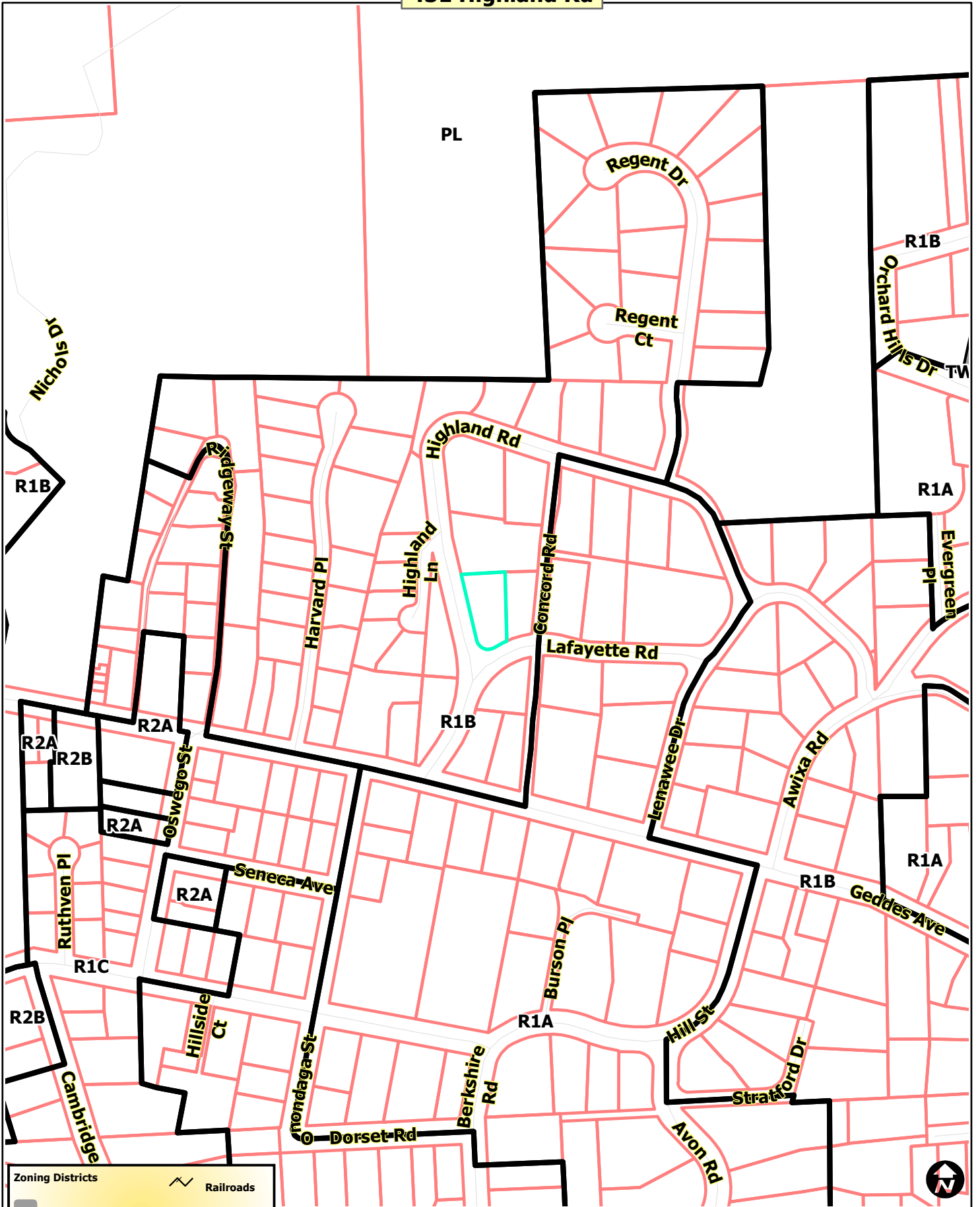
The petitioner states that allowing an eight (8) foot tall fence will not have a negative impact on the surrounding properties. The south side of the property where the fence will be located does not contain a sidewalk or driveways which the petitioner states will not adversely affect traffic.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jon Barrett". The signature is stylized with large loops and a cursive script.

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

# 431 Highland Rd



<b>Zoning Districts</b>	Railroads
Township Islands	Huron River
City Zoning Districts	Tax Parcels






Map date 3/29/2017  
 Any aerial imagery is circa 2015 unless otherwise noted  
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# 431 Highland Rd



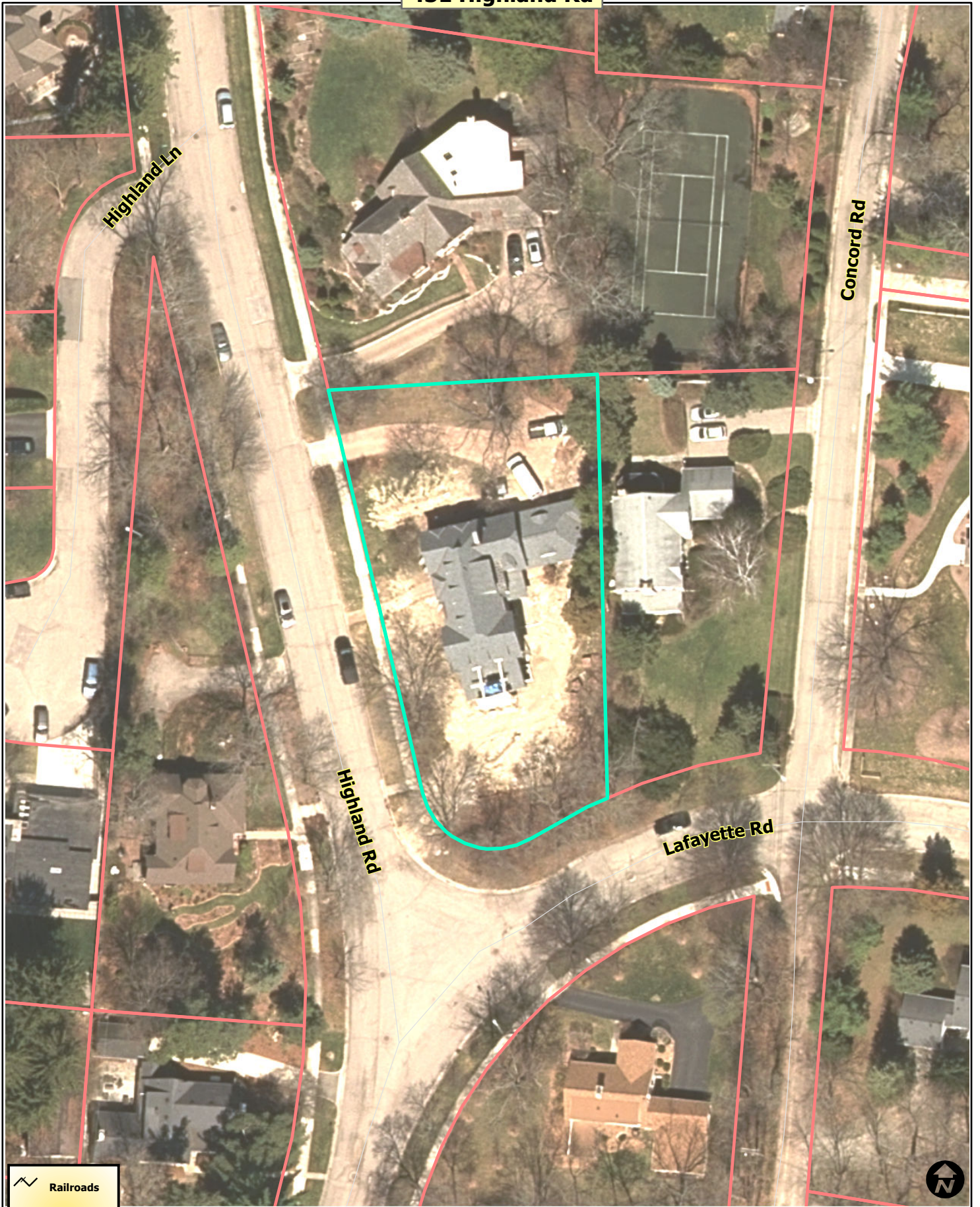
-  Railroads
-  Huron River
-  Tax Parcels



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431 Highland Rd



-  Railroads
-  Huron River
-  Tax Parcels



Map date 3/29/2017  
Any aerial imagery is circa 2015  
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**APPLICATION FOR VARIANCE OR NON-CONFORMING STRUCTURE**  
**ZONING BOARD OF APPEALS**

**Section 1: Applicant Information**

Name of Applicant: Matthew + Jennifer Romano  
 Address of Applicant: 431 Highland Road  
 Daytime Phone: 734-476-4225  
 Fax: 734-232-8595  
 Email: jhirsch@umich.edu  
 Applicant's Relationship to Property: Owner

**Section 2: Property Information**

Address of Property: 431 Highland Road  
 Zoning Classification: Residential  
 Tax ID# (if known): 09-09-27-302-001  
 \*Name of Property Owner: Matthew + Jennifer Romano

*\*If different than applicant, a letter of authorization from the property owner must be provided.*

**Section 3: Request Information**

Variance

Chapter(s) and Section(s) from which a variance is requested:

Required dimension:      PROPOSED dimension:

Fencing 8:434      4' x 25ft, 6ft x 25ft.      8 foot x 50 feet  
CH. 104 FENCES

*Example: Chapter 55, Section 5:26*

*Example: 40' front setback*

*Example: 32'*

Give a detailed description of the work you are proposing and why it will require a variance (attach additional sheets if necessary)

Corner lot, therefore has 2 front yards. This requires 4' picket fence x 25ft, 6' semi private x 25ft, then can be 8ft. Requesting variance for all to be 8' private. Property line is already densely vegetated.

**Section 4: VARIANCE REQUEST (If not applying for a variance, skip to section 5)**

The City of Ann Arbor Zoning Board of Appeals has the powers granted by State law and City Code Chapter 55, Section 5:98. 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 is found **TRUE**. Please provide a complete response to each item below. These responses, together with the required materials in Section 5 of this application, will form the basis for evaluation of the request by staff and the Zoning Board of Appeals. (continued...)



1. Are there hardships or practical difficulties to complying with the ordinance? Are these hardships or practical difficulties an exception or unique to the property compared to other properties in the City?

No hardship. Would like to fully fence "side yard" for child safety. For aesthetic reasons, would like continuous 8ft fence on east property line which is already densely vegetated along entire area under question.

2. Are the hardships or practical difficulties more than mere inconvenience, inability to obtain a higher financial return? (explain) No

3. What effect will granting the variance have on the neighboring properties?     

Aesthetically attractive fence. Does not pose any concern for obstructed view for traffic. No sidewalk or driveways along south "front yard"

4. What physical characteristics of your property in terms of size, shape, location or topography prevent you from using it in a way that is consistent with the ordinance?

No limitations, however given property details no negative impact of 8ft fence in area under question

5. Is the condition which prevents you from complying with the ordinance self-imposed? How did the condition come about?

N/A

**Section 5: ALTERATION TO A NON-CONFORMING STRUCTURE**

Current use of the property Residential

The proposed change is allowed in accordance with Structure Non-Conformance, Section 5:87 (1) (a) & (b), which reads as follows:

- (1) A non-conforming structure may be maintained or restored, but no alteration shall be made to a non-conforming structure unless one of the following conditions is met:
  - a. The alteration is approved by the Zoning Board of Appeals upon finding that it complies as nearly as practicable with the requirements of this Chapter and that it will not have a detrimental effect on neighboring property.
  - b. The alteration conforms to all the requirements of this Chapter and is made to a building which will be a single-family dwelling on completion of the alteration and is located in an R1,R2, R3, or R4 district.
  - c. The structure is considered non-conforming due to the following reasons

(continued . . . . .)

Existing Condition

Code Requirement

Lot area \_\_\_\_\_  
 Lot width \_\_\_\_\_  
 Floor area ratio \_\_\_\_\_  
 Open space ratio \_\_\_\_\_  
 Setbacks \_\_\_\_\_  
 Parking \_\_\_\_\_  
 Landscaping \_\_\_\_\_  
 Other \_\_\_\_\_

Describe the proposed alterations and state why you are requesting this approval:

Planning to fully fence side yard. would like to have an  
8ft privacy fence on east side of property between  
our house and neighbors house which are in close proximity  
Planning on 4 ft picket for remaining perimeter

The alteration complies as nearly as is practicable with the requirements of the Chapter and will not have a detrimental effect on neighboring property for the following reasons:

Heavy vegetation already exists in the 50 ft of  
property under question so fence will not create any  
further visual obstruction

Wherefore, Petitioner requests that permission be granted from the above named Chapter and Section of the Ann Arbor City Code in order to permit 8 foot privacy fence

for the first 50 feet of east property starting at  
the property line.

**Section 6: Required Materials**

The following materials are required for all variance requests. Failure to provide these materials will result in an incomplete application and will delay staff review and Zoning Board of Appeals consideration of the request. The materials listed below must accompany the application and constitute an inseparable part of the application.

All materials must be provided on **8 1/2" by 11" sheets.** (Continued.....)




- Survey of the property including all existing and proposed structures, dimensions of property, and area of property.
- Building floor plans showing interior rooms, including dimensions.
- Photographs of the property and any existing buildings involved in the request.
- Any other graphic or written materials that support the request.

**Section 7: Acknowledgement**

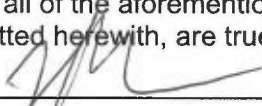
**SIGNATURES MUST BE SIGNED IN PRESENCE OF NOTARY PUBLIC**

I, the applicant, request a variance from the above named Chapter(s) and Section(s) of the Ann Arbor City Code for the stated reasons, in accordance with the materials attached hereto.

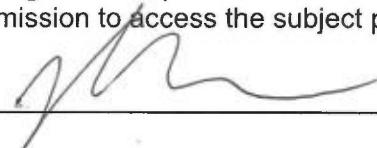
734-476-4225  
 Phone Number  
 jhirsch@umich.edu  
 Email Address

  
 Signature  
 Jennifer Romero  
 Print Name

I, the applicant, hereby depose and say that all of the aforementioned statements, and the statements contained in the materials submitted herewith, are true and correct.

  
 Signature

Further, I hereby give City of Ann Arbor Planning & Development Services unit staff and members of the Zoning Board of Appeals permission to access the subject property for the purpose of reviewing my variance request.

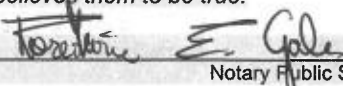
  
 Signature

I have received a copy of the informational cover sheet with the deadlines and meeting dates and acknowledge that **staff does not remind the petitioner of the meeting date and times.**

\_\_\_\_\_  
 Signature

On this 24<sup>th</sup> day of March, 2017, before me personally appeared the above named applicant and made oath that he/she has read the foregoing application by him/her subscribed and knows the contents thereof, and that the same is true as to his/her own knowledge except as to those matters therein stated to be upon his information and belief as to those matters, he/she believes them to be true.

ROSE-MARIE E. GALE  
 Notary Public, State of Michigan  
 County of Lenawee  
 My Commission Expires Oct. 19, 2017  
 Acting In Washtenaw County

  
 Notary Public Signature

Notary Commission Expiration Date

ROSE-MARIE E. GALE  
 Print Name

**Staff Use Only**

Date Submitted: 3/24-2017

Fee Paid: 500<sup>00</sup>

File No.: ZBA17-011

Date of Public Hearing 4/26-17

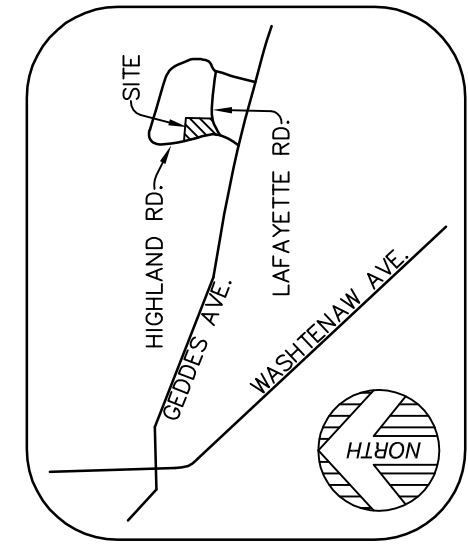
Pre-filing Staff Reviewer & Date \_\_\_\_\_

ZBA Action: \_\_\_\_\_

Pre-Filing Review: \_\_\_\_\_

Staff Reviewer & Date: \_\_\_\_\_

# TOPOGRAPHIC SURVEY



VICINITY MAP  
(NOT TO SCALE)

## BENCHMARK

MASTER BENCHMARK: CITY OF ANN ARBOR, COUNTY OF WASHTENAW, STATE OF MICHIGAN IS DESCRIBED AS FOLLOWS:  
LOT 13, ANDREW FRANKLIN SMITH'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED IN LIBER 3 OF PLATS, PAGE 46, WASHTENAW COUNTY RECORDS.

SITE BENCHMARK: RIM OF SANITARY MANHOLE LOCATED AT THE INTERSECTION OF HIGHLAND ROAD AND LAFAYETTE ROAD, ELEVATION = 915.73' (NAVD 88 DATUM).

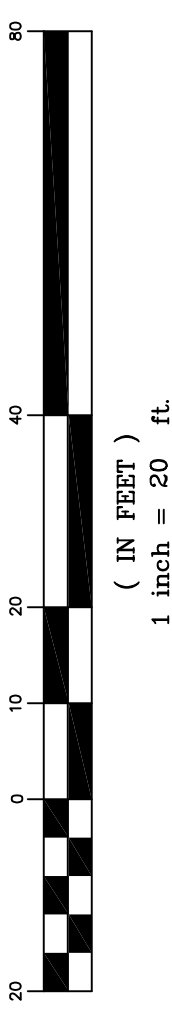
## SURVEYOR'S NOTE

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES OTHER THAN THE STRUCTURE INVENTORY SHOWN HEREON.

## LEGEND

●	SET 1/2" REBAR WITH CAP P.S. 47976
○	FOUND MONUMENT (AS NOTED)
(R&M)	RECORD AND MEASURED DIMENSION
(R)	RECORD DIMENSION
(M)	MEASURED DIMENSION
○	GROUND POINT
○	ELECTRIC METER
○	UTILITY POLE
○	SANITARY MANHOLE
□	SQUARE CATCH BASIN
□	STORM DRAIN MANHOLE
□	WATER VALVE
○	UNKNOWN MANHOLE
○	LIGHTPOST/LAMP POST
☆	SINGLE POST SIGN
○	TREE
—	PARCEL BOUNDARY LINE
—	PLATTED LOT LINE
—	BUILDING
—	BUILDING OVERHANG
—	CONCRETE CURB
—	EDGE OF CONCRETE (CONC.)
—	EDGE OF BRICK
—	FENCE (AS NOTED)
—	OVERHEAD UTILITY LINE
—	GAS LINE
—	SANITARY LINE
—	STORM LINE
—	WATER LINE

## GRAPHIC SCALE



## PROPERTY DESCRIPTION

LAND SITUATED IN THE CITY OF ANN ARBOR, COUNTY OF WASHTENAW, STATE OF MICHIGAN IS DESCRIBED AS FOLLOWS:  
LOT 13, ANDREW FRANKLIN SMITH'S SUBDIVISION, ACCORDING TO THE PLAT THEREOF, RECORDED IN LIBER 3 OF PLATS, PAGE 46, WASHTENAW COUNTY RECORDS.

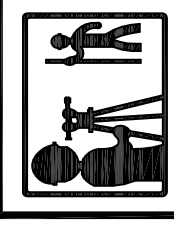
## MANHOLE SCHEDULE

- SANITARY MANHOLE #102 (SMH #102)  
RIM = 915.73'  
8" PIPE N. INV. = 901.03' I.E.  
8" PIPE S. INV. = 901.03' I.E.  
8" PIPE E. INV. = 901.28' I.E.
- STORM DRAIN MANHOLE #103 (SDM #103)  
RIM = 917.34'  
12" PIPE S. INV. = 911.44' I.E.  
12" PIPE NW. INV. = 913.24' I.E.  
12" PIPE NE. INV. = 913.49' I.E.
- SQUARE CATCH BASIN #104 (CB #104)  
RIM = 917.29'  
12" PIPE SW. INV. = 914.39' I.E.
- SQUARE CATCH BASIN #105 (CB #105)  
RIM = 917.30'  
12" PIPE SW. INV. = 915.00' I.E.
- SANITARY MANHOLE #108 (SMH #108)  
RIM = 914.87'  
8" PIPE NE. INV. = 901.27' I.E.  
8" PIPE W. INV. = 901.27' I.E.
- SQUARE CATCH BASIN #109 (CB #109)  
RIM = 914.15'  
12" PIPE E. INV. = 911.60' I.E.
- STORM DRAIN MANHOLE #110 (SDM #110)  
RIM = 914.88'  
12" PIPE W. INV. = 908.68' I.E.  
12" PIPE SW. INV. = 906.88' I.E.  
12" PIPE NE. INV. = 906.98' I.E.
- SANITARY MANHOLE #111 (SMH #111)  
RIM = 914.93'  
8" PIPE NE. INV. = 901.98' I.E.  
8" PIPE SW. INV. = 901.98' I.E.
- SANITARY MANHOLE #151 (SMH #151)  
RIM = 916.50'  
8" PIPE N. INV. = 899.80' I.E.  
8" PIPE S. INV. = 899.85' I.E.

## SURVEYORS CERTIFICATION

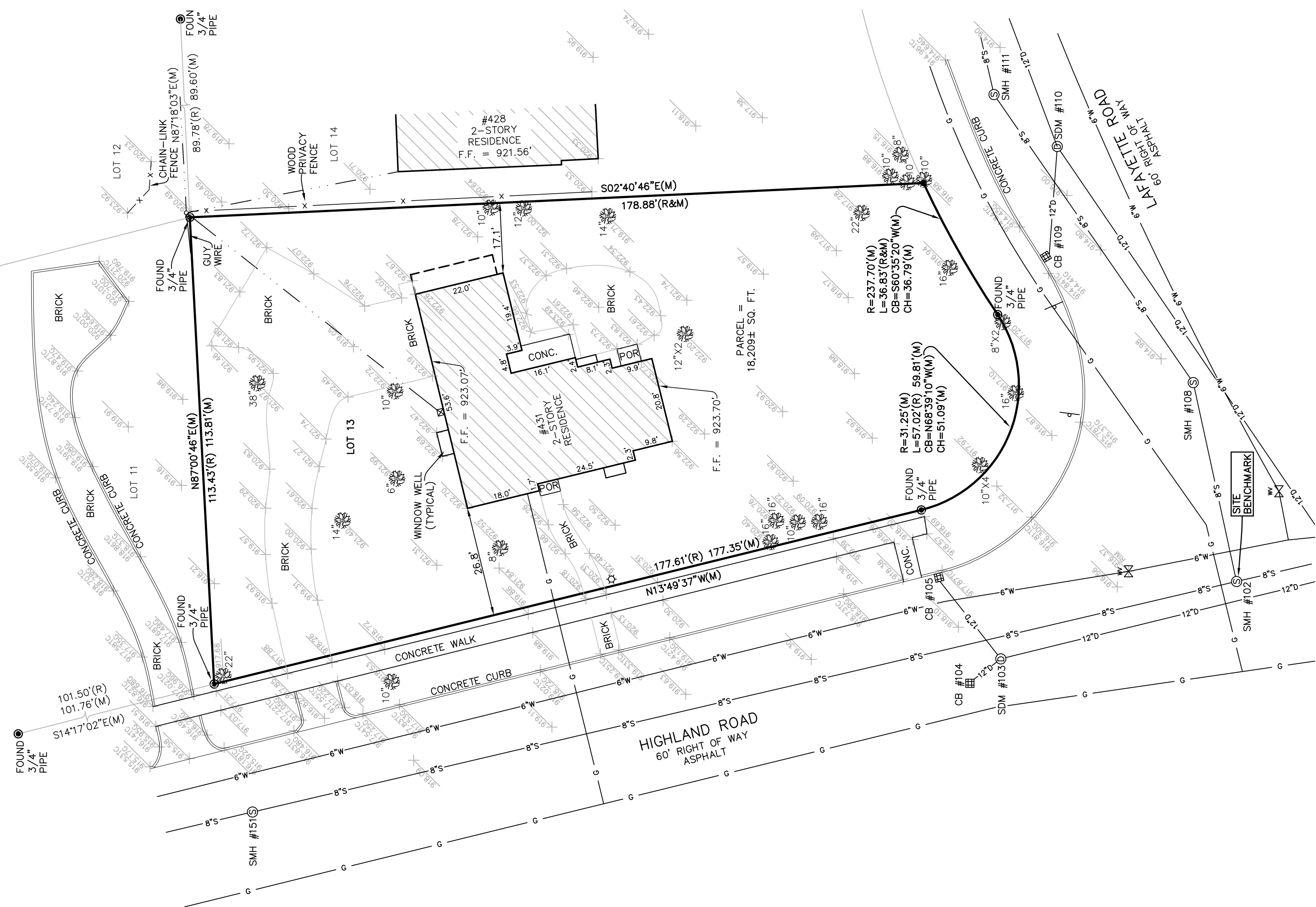
I HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY HEREIN DESCRIBED. THE ELEVATIONS SHOWN HEREON ARE BASED ON A FIELD SURVEY AND THE DRAWING HEREON DELINEATED IS A CORRECT REPRESENTATION OF THE SAME.

ANTHONY T. SYCKO, JR., P.S.  
PROFESSIONAL SURVEYOR  
MICHIGAN LICENSE NO. 47976



**KEM-TEC & ASSOCIATES**  
PROFESSIONAL SURVEYORS - PROFESSIONAL ENGINEERS  
22556 GRATIOT AVE • EASTPOINTE, MICHIGAN 48021  
(586)772-2222 • (800)295-7222 • FAX (586)772-4048

CERTIFIED TO: MATTHEW & JENNIFER ROMANO	
DATE: JUNE 20, 2013	JOB #: 13-02014
SCALE: 1" = 20'	SHEET: 1 OF 1
DRAWN BY: RCE	





























April 17, 2017

**Opposed to Zoning Appeal # ZBA17-011**

Jon Barrett or TWIMC,

We received a small pink card in the mail regarding an appeal to allow taller and totally opaque fencing than allowed by important zoning parameters / regulations for our next-door neighbor's lot.

Our neighborhood, the Andrew Franklin Smith subdivision, is a very old and established grouping of homes with many residents who have lived here for several decades. We have lived in our home at 421 Highland Rd. for 33 years since 1984 and have never had any neighbor request such a variance in the past.

A change such as requested would dramatically change the look and feel of our neighborhood in a very negative way. This concerns both the height of fencing as well as the opaqueness of same.

We are definitely opposed to any variance to the established, and necessary, zoning rules and parameters for fencing in our neighborhood.

Our home was built in 1926 and for the past 91 years our neighbors have not felt the need to build taller and less opaque fencing which has kept our neighborhood without the feel of individual " family compounds " and maintained a much more attractive area.

This is a very important issue to us and our neighbors as well.

Please do not allow such a dramatic change to our neighborhood.

Thank you,



Jim & Patsy Donahey  
421 Highland Rd.  
Ann Arbor, Mi. 48104



-----Original Message-----

From: Lawrence Peck

Sent: Tuesday, April 11, 2017 12:56 PM

To: Barrett, Jon <[JBarrett@a2gov.org](mailto:JBarrett@a2gov.org)>

Subject: Input on Variance Number ZBA17-001

Hello Jon,

We are neighbors of 431 Highland Rd with one house between us and live at 410 Highland Rd. We would like to offer our vote of support for the variance of the fence project at 431 Highland Rd to allow for their 8' fence to continue for the entire length. Since purchasing the property, the improvements that the homeowners at 431 Highland Rd. have made have been a significant to the neighborhood and includes numerous mature bushes and trees along where the fence will go. In our opinion, the proposed fence will further enhance the look of the neighborhood.

Thanks for your consideration,

Larry & Molly Peck

410 Highland Rd.

Ann Arbor, MI. 48104