

**Zoning Board of Appeals
January 22, 2019 Regular Meeting**

STAFF REPORT

Subject: ZBA19-033; 1830 Northbrook Drive

Summary:

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.

Background:

The subject property is located on a double frontage (through) lot along Northbrook Drive and Ann Arbor Saline Roads. The home was built in 1984 and is approximately 1,218 square feet in size.

Description:

The parcel is considered to have two front yards because the property fronts two public right of ways. The yard that fronts Ann Arbor-Saline Road serves as the rear yard for the subject property, however, it is a front per Zoning and Unified Development Code (UDC) regulations.

Standards for Approval- Variance

The Zoning Board of Appeals has all the power granted by State law and by Section 5.29.12, Application of the Variance Power from the UDC. The following criteria shall apply:

- (a). ***That the practical difficulties are exceptional and peculiar to the property of the person requesting the variance, and result from conditions which do not exist generally throughout the City.***

The applicant has listed safety concerns as their need for the variance.

- (b). ***That the practical difficulties will result from a failure to grant the variance, include substantially more than mere inconvenience, inability to attain a higher financial return, or both.***

The petitioner desires does not intend to secure financial gain from the variance. Safety and security are the stated reasons while preserving the aesthetics with the style of fence and maintaining the required fifty percent opacity.

- (c). ***That allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this Chapter, the individual hardships that will be suffered by a failure of the Board to grant a variance, and the rights of others whose property would be affected by the allowance of the variance.***

The applicant states that the two foot variance request will not have any negative impacts to adjacent or surrounding properties.

- (d). ***That the conditions and circumstances on which the variance request is based shall not be a self- imposed hardship or practical difficulty.***

According to the applicant, safety and security are the main reasons for this variance request.

- (e). ***A variance approved shall be the minimum variance that will make possible a reasonable use of the land or structure.***

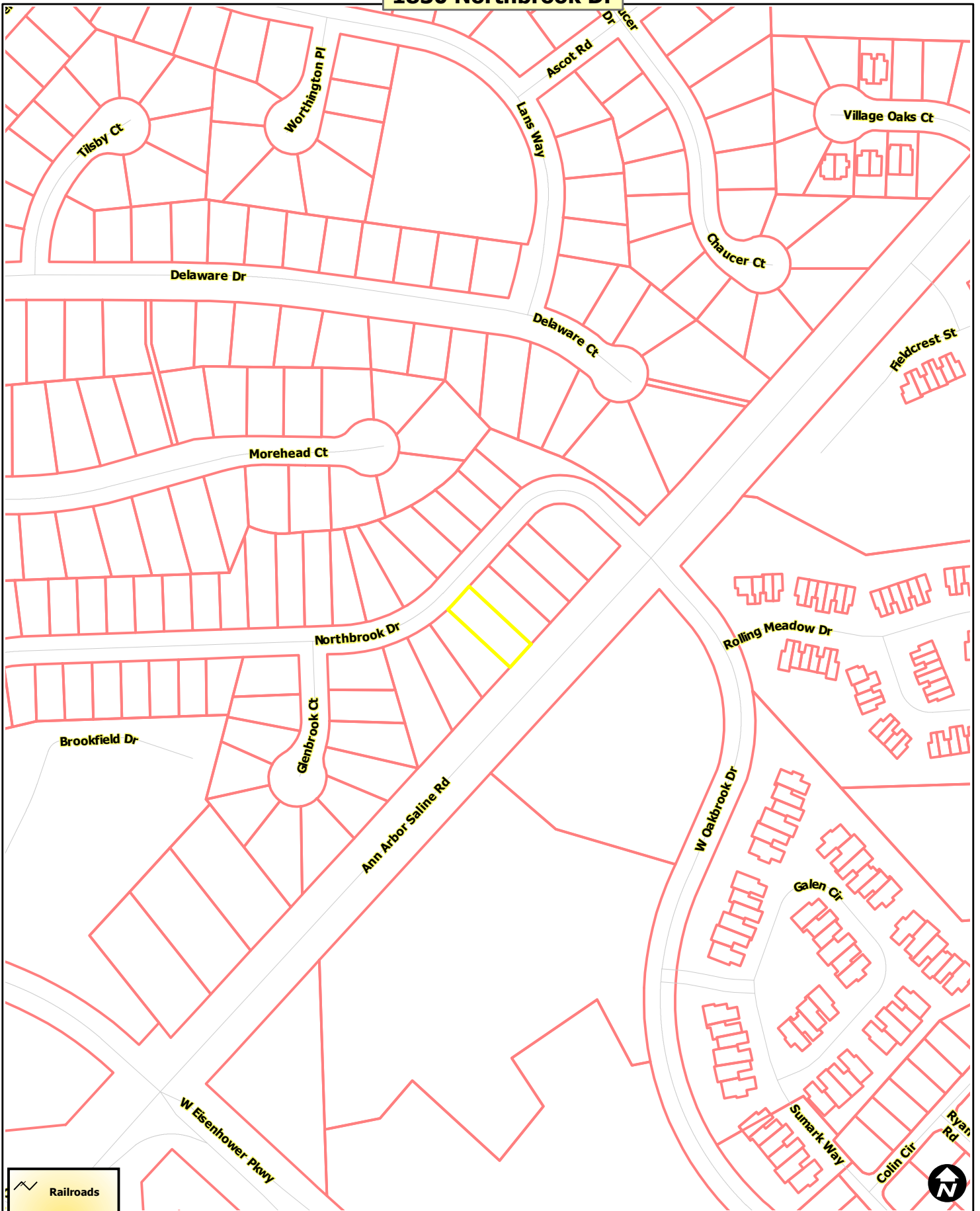
The variance is the minimum as the request is only for a two foot height variance and opacity relief is not part of the application. As a first time home buyer, the applicant was not aware that this property had two front yards and the desire to have a six foot cedar fence would be impacted by the parcel being considered a through lot.




Respectfully submitted,

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

Jon Barrett
Zoning Coordinator

1830 Northbrook Dr






 Railroads
 Huron River
 Tax Parcels



Map date: 12/18/2019
Any aerial imagery is circa 2018
unless otherwise noted
Terms of use: www.a2gov.org/terms

1830 Northbrook Dr




-  Railroads
-  Huron River
-  Tax Parcels





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1830 Northbrook Dr



 Railroads

 Huron River

 Tax Parcels



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ZONING BOARD OF APPEALS APPLICATION

City of Ann Arbor Planning Services

City Hall: 301 E Huron Street Ann Arbor, MI 48107-8647

Phone: 734-794-6265 Fax: 734-794-8460 Email: planning@a2gov.org

PROPERTY INFORMATION

ADDRESS OF PROPERTY 1830 Northbrook Dr.		ZIP CODE 48103	
ZONING CLASSIFICATION Residential	NAME OF PROPERTY OWNER* <i>If different than applicant, a letter of authorization from the property owner must be provided</i> Tara J. Artinian		
PARCEL NUMBER 09-12-05-301-005	OWNER EMAIL ADDRESS		

APPLICANT INFORMATION

NAME Tara J. Artinian			
ADDRESS 1830 Northbrook Dr.	CITY Ann Arbor	STATE MI	ZIP CODE 48103
EMAIL nishan5438@yahoo.com		PHONE 734-834-2737	
APPLICANT'S RELATIONSHIP TO PROPERTY Property Owner			

REQUEST INFORMATION

<input checked="" type="checkbox"/> VARIANCE REQUEST Complete Section 1 of this application	<input type="checkbox"/> REQUEST TO ALTER A NONCONFORMING STRUCTURE Complete Section 2 of this application
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REQUIRED MATERIALS

One hard copy application complete with all required attachments must be submitted. Digital copies of supportive materials included in the submitted hard copy will only be accepted in PDF format by email or accompanying the hard copy application on a USB flash drive.

Required Attachments:

- Boundary 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.

OFFICE USE ONLY

Fee Paid: \$750 ZBA: 19-033

CITY OF ANN ARBOR
RECEIVED

DEC 18 2019

PLANNING & DEVELOPMENT SERVICES

ACKNOWLEDGEMENT

All information and materials submitted with this application are true and correct.

Permission is granted to City of Ann Arbor Planning Services and members of the Zoning Board of Appeals to access the subject property for the purpose of reviewing the variance request.

Property Owner Signature: Tara J. Artinian

Date: 12/10/2019

Section 1 City of Ann Arbor Planning Services – Zoning Board of Appeals Application

VARIANCE REQUEST

ARTICLE(S) AND SECTION(S) FROM WHICH A VARIANCE IS REQUESTED: (Example: Article 3, Section 5.26)

Chapter ~~404 Fences~~
55 UDC SECTION 5.26.2 (1)

REQUIRED DIMENSION: (Example: 40' front setback)

Feet: **2'** Inches:

PROPOSED DIMENSION: (Example: 32 foot 8 inch front setback)

Feet: Inches:

DESCRIPTION OF PROPOSED WORK AND REASON FOR VARIANCE:
 PLEASE SEE SHEET ATTACHED

The City of Ann Arbor Zoning Board of Appeals has the powers granted by State law and City Code Chapter 55, Section 5:29. 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. Please provide a complete response to each of the statements below.

The alleged hardships or practical difficulties, or both, are exceptional and peculiar to the property of the person requesting the variance, and result from conditions which do not exist generally throughout the city.

As my attached note states, my backyard faces Ann Arbor Saline Road, having very young children and having my dog in my backyard with only a 4' fence can become a huge safety risk for me. I worry about various safety factors such as ~~kidnapping a young child while playing in my backyard or stealing my dog by reaching over the 4' fence. A 6' fence is~~ safer and more secure.

The alleged hardships are practical difficulties, or both, which will result from a failure to grant the variance, include substantially more than mere inconvenience, inability to attain a higher financial return, or both.

I am not at all wanting a 6' fence for any type of financial gain. The safety and security factor without compromising the ~~estates of the property is what I am asking.~~

Allowing the variance will result in substantial justice being done, considering the public benefits intended to be secured by this chapter, the individual hardships that will be suffered by a failure of the board to grant a variance, and the rights of others whose property would be affected by the allowance of the variance.

My request of a 6' fence will not have any negative affects at all on my neighbors since other homes in my neighborhood have a 6' fencing around there property that faces Ann Arbor Saline Road.

The conditions and circumstances on which the variance request is based shall not be a self-imposed hardship or practical difficulty.

It's more of a safety and a securit concern for me asking for a 6' fence.

A variance approved shall be the minimum variance that will make possible a reasonable use of the land or structure.

As a first time home buyer I purchased this home with the idea of having a beautiful 6' ceder fence on the back of my property. Only after my purchase of my home that I discovered I had two front yards. I did not know that prior to my purchase.

APPLICATION FOR VARIANCE;

Section 3: Request Information

I would like to have a 6-foot fence in my backyard, I grew up at 1730 Northbrook Dr. and when 1830 Northbrook came up for sale as a first-time home buyer I purchased it with the desire of putting up a nice looking 6-foot cedar fence in my backyard since we had one at the 1730 address.

I had no idea that my backyard would be viewed by the city as a second front yard.

My backyard faces Ann Arbor Saline Road, having children and my one dog in the back yard with only a 4-foot fence can become a huge risk for me. I worry about various safety factors such as kidnaping a young child while he is playing in my backyard, stealing my dog.

Being literally near by the highway I94 makes for anyone with ill intent to quickly jump on the highway.

The extra 2-foot defiantly helps as no one will be able to call a young child to the back fence or entice a dog to come by the 4-foot fence reach over and kidnap a young child or steal my dog.

I am a responsible adult but these things that I am concerned about can happen in a split second.

I beg the board to approve a Variance for my safety concerns.

Thank You!

MEADOWBROOK VILLAGE No.1

A SUBDIVISION OF PART OF THE EAST 1/2 OF FRACTIONAL SECTION 6 & THE WEST 1/2 OF FRACTIONAL SECTION 5, T.3S., R.6E. CITY OF ANN ARBOR, WASHTENAW COUNTY, MICHIGAN

SCALE - ONE INCH = EIGHTY FEET (1"=80')



CHAS. H. TRUE COPY OF
BY DEPARTMENT OF TRANSPORTATION
BY *Richard C. Fennell*
DATE: March 1, 1962.

MICHIGAN DEPARTMENT OF TRANSPORTATION
Approved on December 27, 1961, as complying with Act 267 of 1957, which relates to the application for the establishment and regulation of the Department of Transportation.

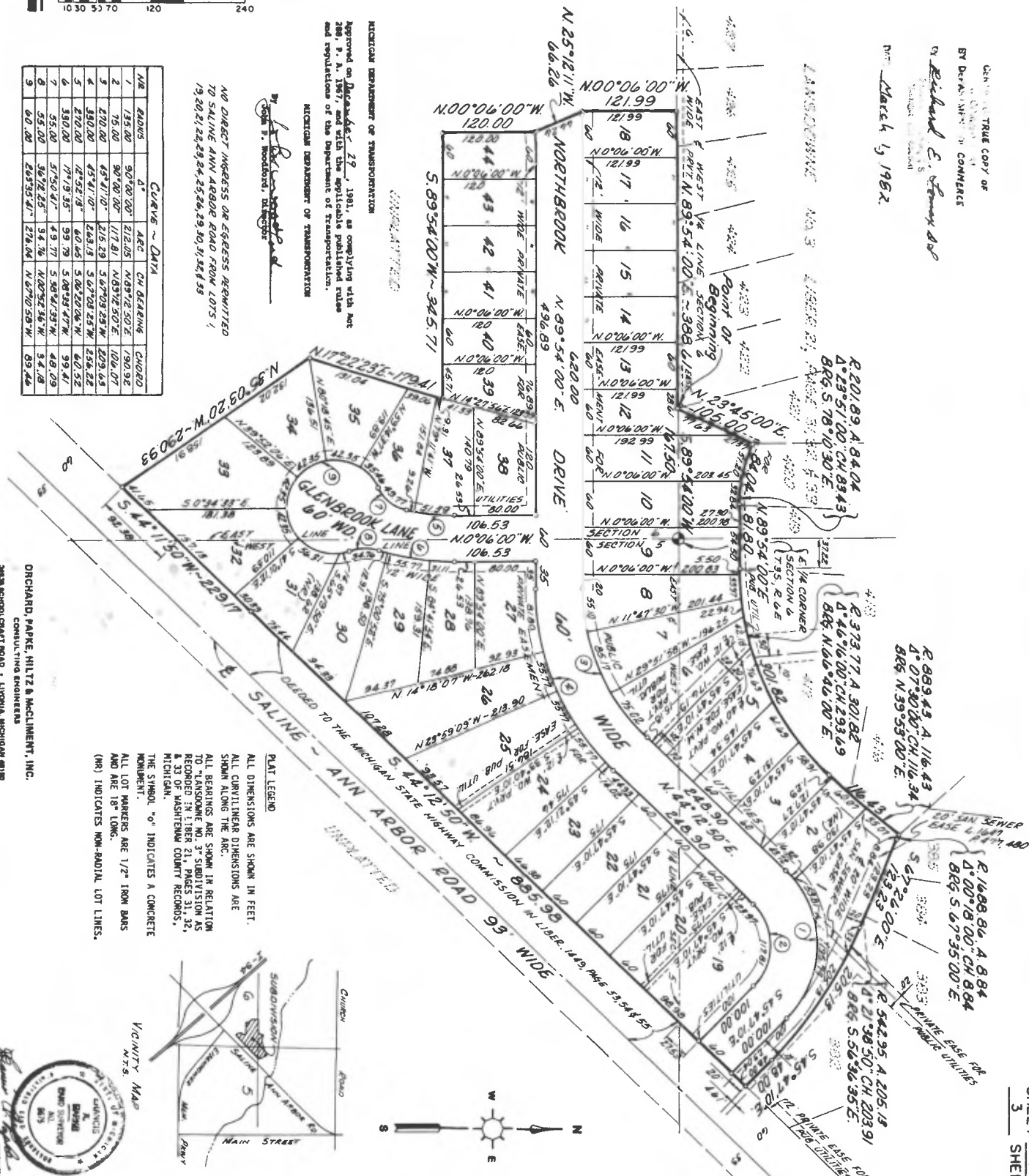
MICHIGAN DEPARTMENT OF TRANSPORTATION

NO DIRECT ACCESS OR EGRESS PERMITTED TO SALINE ANN ARBOR ROAD FROM LOTS 1, 19, 20, 21, 22, 23, 24, 25, 26, 29, 30, 31, 32, & 33

John P. Woodford
Surveyor

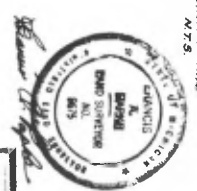
LINE	POINTS	ARC	CH BEARING	CHORD
1	191.00	90°00'00"	N 69°12'50"E	190.92
2	75.00	90°00'00"	N 69°12'50"E	100.07
3	270.00	45°41'10"	S 67°09'29"W	209.05
4	330.00	45°41'10"	S 67°09'29"W	254.82
5	270.00	45°41'10"	S 67°09'29"W	209.05
6	330.00	45°41'10"	S 67°09'29"W	254.82
7	35.00	57°50'41"	S 80°42'39"W	48.09
8	35.00	57°50'41"	S 80°42'39"W	48.09
9	60.00	28°35'41"	N 67°02'58"W	83.44

Curve - DATA



PLAT LEGEND
ALL DIMENSIONS ARE SHOWN IN FEET.
ALL CURVILINEAR DIMENSIONS ARE SHOWN ALONG THE ARC.
ALL BEARINGS ARE SHOWN IN RELATION TO THE MERIDIAN.
ALL LOT MARKERS ARE 1/2" IRON BARS AND ARE 18" LONG.
(NR) INDICATES NON-RADIAL LOT LINES.

VICINITY MAP
N.T.S.



ORCHARD PARK, NILTZ & MCCLIMENT, INC.
CONSULTING ENGINEERS
2425 SCHOOLCRAFT ROAD • LIVONIA, MICHIGAN 48150

58376

Add intermediate support

Cedar 2x2

treated 4x4

6' tall

Rear fence @
1830 Northbrook
City of Ann Arbor





Fence to angle around tree to keep it visible from roadway

Grass margin 8' wide

A2-Saline Road

Existing green space remains

Distance from bike path to property line 17'

Bike path 9' wide

RE: 1830 Northbrook, A2 48103

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Main Office 734-483-1849

Date: December 13, 2019

TO: Jon Barrett and ZBA board members

RE: 1830 Northbrook, A2 48103

To All Concerned,

As the builder of the proposed fence at the above mentioned address I would like the board to consider the following points. Thank you for your consideration in this matter.

- The applicant is requesting a taller fence but actually prefers the more open look of the more than 50% opacity design we are proposing. The vertical “pickets” will be 2x2 cedar with a 2” spacing.
- This particular fence is one of my high end designs. While all of our fences are custom built as opposed to pre-made panels this option is all cedar with treated posts to assure both beauty and longevity.
- Note that the actual fence will be approximately 34’ from the curb of Ann Arbor – Saline Road

The homeowner / applicant has his own opinions and thoughts on this variance request, these bullet points are simply my perspective as a fence builder for more than 30 years in the Ann Arbor area.

Thank you and please feel free to reach out to me with any questions or concerns.

Douglas W. Post

Managing Partner, R&D Enterprises

Builders License #2101087430

Email: doug@r-d-enterprises.com Cell: 313.407.3072