

From: Lenart, Brett

Sent: Wednesday, April 05, 2017 10:21 AM

To: 'John Godfrey' <jgodfrey@umich.edu>

Cc: Delacourt, Derek <DDelacourt@a2gov.org>; Taylor, Christopher (Mayor) <CTaylor@a2gov.org>; Grand, Julie <JGrand@a2gov.org>; Gary Cooper <gcooper@cooperdesigninc.com>; Deborah J. Cooper (<coop@bria2.com>) <coop@bria2.com>; Stephanie Zaiantz <stephzaientz@gmail.com>; Henry Vanderploeg <hankav@umich.edu>; Robert & Sarah Albritton <ralbritt1@comcast.net>; Harriet Teller <harrietteller76@gmail.com>; Merle Rosenzweig <oriley@umich.edu>; Ackerman, Zach <ZAckerman@a2gov.org>; Irma Majer <bohemia mom@yahoo.com>; b.vanderploeg@me.com

Subject: RE: questions re ground solar installation 2815 Brockman

Hello Mr. Godfrey-

There was lengthy discussion around solar panels and other structures that might be constructed in front yards under the accessory buildings language of the City Code. While there was discussion of drafting a solar ordinance at the Planning Commission retreat last week, no specific language or timeframe has been identified yet, so any permits will be considered under current ordinances.

I am happy to update you once a schedule and/or approach is identified.

Brett Lenart, AICP - Planning Manager

City of Ann Arbor Planning & Development Services

Direct (734) 794-6000 #42606 | General (734) 794-6265

From: John Godfrey <<mailto:jgodfrey@umich.edu>>

Sent: Tuesday, April 04, 2017 5:17 PM

To: Ackerman, Zach <ZAckerman@a2gov.org>; Planning <Planning@a2gov.org>

Cc: Lenart, Brett <BLenart@a2gov.org>; Delacourt, Derek <DDelacourt@a2gov.org>; Taylor, Christopher (Mayor) <CTaylor@a2gov.org>; Grand, Julie <JGrand@a2gov.org>; Gary Cooper <gcooper@cooperdesigninc.com>; Deborah J. Cooper (<coop@bria2.com>) <coop@bria2.com>; Stephanie Zaiantz <stephzaientz@gmail.com>; Henry Vanderploeg <hankav@umich.edu>; Robert & Sarah Albritton <ralbritt1@comcast.net>; Harriet Teller <harrietteller76@gmail.com>; Merle Rosenzweig <oriley@umich.edu>; Irma Majer <bohemia mom@yahoo.com>; b.vanderploeg@me.com

Subject: Re: questions re ground solar installation 2815 Brockman

Dear Zach and members of the Planning Commission,

We were surprised on Sunday when our neighbors at 2815 Brockman notified us that they intend to move forward with plans to locate a large ground-mounted solar collector in their front yard. At its February meeting the Planning Commission indicated that it favored amending language that would make clear the prohibition of such structures in front yards of residential districts, but agreed that added study was needed to find the best way to accommodate this in the city's codes.

We'd be grateful if you could let us know if this issue was taken up at the Commission's subsequent planning session in March, and how soon the revised language will be ready for the Council's consideration. We encourage the Planning Commission and the city's Planning and Development office to not issue a permit for this installation, and to quickly develop and publicize ordinances for the proper location of these structures so they don't create visual nuisances and potential hazards along Ann Arbor's residential streetscapes, and give clear guidance for residents eager to help the city meet its green energy goals.

Many thanks,

John Godfrey & Irma Majer, and our neighbors on Brockman Boulevard

On Mon, Feb 20, 2017 at 3:26 PM, Ackerman, Zach <ZAckerman@a2gov.org> wrote:
Hi John,

I just wanted to follow up with you. On Thursday (2/23), a change to the zoning ordinance will be heard by our Planning Commission. If approved, it will be sent to City Council for final approval. The proposed amendment removes the word "required," prohibiting accessory structures anywhere in the front setback, not just the current "required setback." I will be absent from the Planning Commission meeting on Thursday, but will be supporting the amendment at the Council table.

<http://a2gov.legistar.com/LegislationDetail.aspx?ID=2964380&GUID=86985517-E114-45F0-B949-3B65DDB0765E&Options=&Search=>

If you have any follow up questions or concerns, please let me know.

Best,
Zach

Zachary Ackerman
Ann Arbor City Council
Ward 3
(734) 883-8391

Emails sent to or from this address could be subject to public disclosure under the Freedom of Information Act (FOIA).

From: John Godfrey <jgodfrey@umich.edu>
Sent: Tuesday, December 06, 2016 2:29 PM
To: Lenart, Brett
Cc: Delacourt, Derek; Planning; Taylor, Christopher (Mayor); Ackerman, Zach; Grand, Julie
Subject: Re: questions re ground solar installation 2815 Brockman

Mr. Lenart,

We're surprised to learn that the permit for this installation was issued yesterday, since we've not had a chance to ask further questions, as you indicated in your email.

Mr. Barrett told us a couple of weeks ago that the only relevant ordinance for ground-mounted solar installations is that for accessory buildings. As a solar collector is not a building, but rather should be more appropriately considered a mechanical/electrical installation, section 5:54 must certainly be the relevant ordinance for determining where a collector may be placed in the front yard. We would like to stress that the location is the front yard, which faces Brockman Boulevard, and not the side yard.

Section 5:54 of the city ordinances stipulates that mechanical structures may not be located in the "required front open space." While the minimum setback within the RC1 zoning district is 25 feet, we believe that the ordinance that correctly governs this installation is actually section 5:57.

5:57. - *Averaging an existing front setback line.*

In a residential zoning district, where the average of the established front setbacks of structures on all adjacent lots, which are located within 100 feet of either side of a lot and on which there are existing buildings, is greater than the required front *setback* specified in this chapter, a required *setback* line shall be provided on the lot equal to this greater average depth but not to exceed 40 feet. Where such average of the established front setbacks is less than minimum required front *setback*, the required *setback* line may be reduced to this lesser average depth, but in no case to less than 10 feet.

The front setback of 2815 Brockman is about 85 feet from the sidewalk and about 102 feet from the curb. The average established front setback of our lot, the only immediately adjacent lot within 100 feet, is 99 feet from the sidewalk and 116 feet from the curb. Accounting for other lots across the street that are within 100 feet of 2815 Brockman (2808, 2812, 2816, 2900), average front setbacks from the sidewalk are about 124 feet, and 143 feet from the curb. If solar installations are covered by the averaging ordinance, the proper required setback line should be 40 feet, not 25 feet. Could you please explain why you believe that a setback of only 25 feet is required?

Our over-arching concern, however, is much greater: while there are regulations governing fences, signs, and air conditioner compressors in front yards, none bear on ground-mounted solar installations which are much larger and present significant safety, aesthetic, and other issues. We are astonished that the city would allow a front yard installation of a nearly 400 square foot collector in a residential district, and dismayed by the haste with which approval has been granted. Can you please explain why the city cannot place a hold on this permit until these fundamental issues are addressed, and a proper review and approval process is in place?

Sincerely,

John Godfrey & Irma Majer

On Mon, Dec 5, 2016 at 3:54 PM, Lenart, Brett <BLenart@a2gov.org> wrote:

Hello Mr. Godfrey-

The proposed solar collector is not in violation of the City's Zoning Ordinance as the *Required Setback* that is referenced in the section below is a dimensional requirement (25 ft. in the case of this property) and does not refer to the physical location of a house. The line established by the front of the house is the *Established Front Setback Line*. The City applies this standard to provide the minimum amount of required setback, without creating non-conformities of established homes in neighborhoods where varying setbacks can be present.

As for your previous email, there is not a way that the permit can be held as it is compliant with applicable codes. If you have additional questions, please let me know.

Sincerely,

Brett Lenart, AICP - Planning Manager
City of Ann Arbor Planning & Development Services
Direct [734\) 794-6000](tel:734-794-6000) #42606 | General [734\) 794-6265](tel:734-794-6265)

From: John Godfrey [mailto:godfrey@umich.edu]
Sent: Monday, December 05, 2016 1:43 PM
To: Delacourt, Derek <DDelacourt@a2gov.org>; Lenart, Brett <BLenart@a2gov.org>
Subject: Fwd: questions re ground solar installation 2815 Brockman

Dear Mr. Delacourt and Mr. Lenart,

After further research, we think the proposed solar collector installation in the front yard of the residence at 2815 Brockman is in violation of the city's zoning ordinance. Here is the relevant ordinance:

5:54. - Required open space.

- (1) Except as specifically provided in this chapter, required open space shall be open, unoccupied, and unobstructed by any permanent structure or any part thereof from the ground to the sky.
- (2) Exceptions.
 - (a) The following types of structures may be located anywhere on a lot: open and unroofed terraces, patios, stoops and steps, ramps for building access, awnings, flag poles, trellises, retaining walls, fountains, outdoor cooking equipment, sidewalks, mailboxes, light poles, and fences in accordance with [Chapter 104](#). Parking lots and drives may be located in required open space if permitted by [Chapter 59](#).
 - (b) In residential zoning districts, the following types of structures may be located anywhere on a lot except the required front open space: solid waste containers (unless approved under [section 2:4 of Chapter 26](#)), fire escapes, and **mechanical equipment**.
 - (c) Certain architectural features, such as cornices, eaves, gutters, and chimneys may project 2 feet into required open space.

We very much appreciate your attention to this matter.

Sincerely,

John Godfrey & Irma Majer

----- Forwarded message -----

From: John Godfrey <godfrey@umich.edu>
Date: Mon, Dec 5, 2016 at 11:02 AM
Subject: Fwd: questions re ground solar installation 2815 Brockman
To: ddelacourt@a2gov.org

Dear Mr. Delacourt,

We are forwarding this email we sent to Mr. Brett Lenart to bring to your attention our concerns regarding the proposed installation of a large residential ground-mounted solar collector at 2815 Brockman. We are concerned that the city does not have ordinances that regulate such installations in residential zoning districts. We would appreciate learning answers to the questions we set out in this message.

Sincerely,

John Godfrey & Irma Majer

----- Forwarded message -----

From: **John Godfrey** <godfrey@umich.edu>

Date: Sun, Dec 4, 2016 at 7:30 PM

Subject: Fwd: questions re ground solar installation 2815 Brockman

To: blenart@a2gov.org

Dear Mr. Lenart,

We have learned that our neighbors at 2815 Brockman are planning to install a ground-mounted solar panel installation in their front yard. Their lot, which is at the corner of Brockman Boulevard and Stanley Court, adjoins ours, and is in an R1C zoning district.

Wanting to know more about the city's ordinances concerning the permitting of solar collectors, we spoke with Jon Barrett in Planning & Development. Mr. Barrett told me that the city has no ordinances specifically governing placement of ground-mounted solar installations on residential property, and that the only currently effective zoning and building ordinance is section 5:59 which regulates the location of accessory buildings.

This past week we found that permitting documents (attached to this email) have been filed with the city and are available online. The drawings on the mortgage report and the landscaping proposal indicate that the structure will be mounted in the front yard, positioned 25 feet from the Brockman sidewalk and 3 feet from our property line (although the site plan by Homeland Solar indicates the location will be 5 feet from the property line). According to Homeland Solar's specifications, the proposed array will be 44 feet long, 9 feet wide (396 square feet, larger than many garages), and nearly 9 feet high. The frontage along Brockman is 90 feet, so the proposed installation will be nearly half the width of the front yard.

We do not understand how a solar collector can be considered an accessory building since it is not, in fact, a building, but a substantially different mechanical and electric installation. Can you please explain this policy?

We also would appreciate your help in understanding how the siting of this installation is permitted, particularly for a structure of this size and character, even under the doubtful application of Section 5:59. Section 5:59 (1) (b) indicates that "accessory buildings shall not be erected in any required front open space." Section 5:57, which concerns averaging an existing front setback line, stipulates that "where the average of the established front setbacks of structures on all adjacent lots, which are located within 100 feet of either side of a lot and on which there are existing buildings, is greater than the required front setback specified in this chapter, a required setback line shall be provided on the lot equal to this greater average depth but not to exceed 40 feet." Our house is set back nearly 100 feet from the street. Presumably the 40 feet setback defines the required front open space referred to in Section 5:59 (1) (b). Does the proposed location, then, conform to requirements under the city's existing ordinances, or should it be no closer than 40 feet to the street, rather than 25?

This question is of immediate concern because we understand that the installation of the solar collector will take place soon after the permits are granted. We are also concerned that permits may be issued for this or similar projects without any city ordinances for ground-mounted installations in residential zoning districts. Unlike many other cities, Ann Arbor does not have regulations or a review and approval process that takes into account aesthetic, environmental, safety or other issues that may have a direct impact on neighbors and the neighborhood. This is all the more striking as the city has ordinances governing the height and location of fences and signs in front yards. In King County, Washington, for instance, one community requires that ground-mounted installations must be mounted in the rear yard with no portion of the unit exceeding 6 feet in height from the ground below it. Other communities, while encouraging solar collectors, place similar restrictions on the location and dimensions of stand-alone installations which, if unregulated, can create visual nuisances and potential hazards along the residential streetscape.

Finally, can you please tell us if it is possible to place a hold on this permit until the city has in place a set of ordinances that govern these installations in residential neighborhoods?

Sincerely,

John Godfrey & Irma Majer

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