

**Zoning Board of Appeals
August 27, 2025, Regular Meeting**

STAFF REPORT

Subject: ZBA 25-0020; 470 Huron Parkway

Summary:

Stephanie Chen, property owner, is requesting a two-foot height and 50 percent opacity variance from Table 5.26-1 Height and Opacity Standards for Fences. The owners are seeking to install a new six-foot tall full privacy fence that will be 35 linear feet in length in the front yard. The maximum height and opacity for a fence in the front yard in a residential district is four feet tall and 50% opacity. The property is zoned R1B, Single-Family Residential.

Background:

The subject property is located on the east side of Huron Parkway, north of Geddes Road and South of Glazier Way. The house was built in 2015 and is approximately 3,342 square feet in size, according to City Assessor's records.

Description:

The subject property is seeking a variance to build a six-foot tall privacy fence in the front yard. The proposed fence will be 35 feet in length. The property is located on a corner lot and the proposed fence is to be installed in the yard that fronts Huron Parkway. A six-foot privacy fence exists in a portion of the yard currently. A permit was not issued for the fence.

Standards for Approval- Alteration to a Nonconforming Structure

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 Unified Development Code (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.***

Applicant response: *"Our property is subject to a unique combination of site-specific conditions that present distinct safety and environmental challenges. The yard in question directly borders Huron Parkway, a high-traffic, multi-lane arterial road where vehicles routinely exceed the 40-mph speed limit, resulting in elevated noise levels and increased risk of vehicular accidents near the property. Additionally, the backyard abuts the Ruthven Nature Area and features a steep slope that required the installation of a 6-foot retaining wall to prevent ongoing erosion and repair storm-related damage. A standard 4-foot, 50% opaque fence offers insufficient protection in this context, as it is easily climbable by children and fails to provide an effective barrier against the risk of falls along the retaining wall and unimpeded access to Huron Pkwy. The convergence of these factors—proximity to a major roadway, vertical elevation changes, adjacency to wildlife, and a zoning designation that classifies our backyard as a front yard—creates a set of*

conditions that are uncommon among residential properties in the city.”

- (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.**

Applicant response: “Denying this variance would result in significant safety risks and functional limitations that go well beyond mere inconvenience or financial return. Despite our best diligence in supervision, a 4-foot fence is easily scalable by children and fails to provide adequate protection from the risk of falling down a tall retaining wall or gaining access to a major roadway. Huron Pkwy remains a target for safety interventions under the Ann Arbor Speed Management Program, and reports of pedestrian collisions in this area have detailed serious injury or death. Furthermore, a low, semi-transparent fence provides minimal sound attenuation and fails to deter smaller wildlife from entering the property. Without approval, our ability to safely and reasonably use this space would be compromised to a degree that is substantial, ongoing, and directly tied to the characteristics of this lot.”

- (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.**

Applicant response: “Granting the variance aligns with public interest and achieves substantial justice by enabling safe, appropriate use of our backyard without compromising visibility, public safety, or aesthetics of the surrounding area. The proposed fence is set back at least 40 feet from the sidewalk, is well outside any intersection or driveway sightlines, and is naturally screened by mature evergreens and the adjacent nature area. It does not obstruct traffic visibility, affect pedestrian pathways, or alter neighborhood character. There are no homes bordering the area where the fence would be installed, and all three households on our shared private drive have expressed full support for the proposal. The fence would offer critical safety benefits—preventing access to a high-traffic roadway, reducing the risk of falls along the retaining wall, buffering noise pollution, and deterring wildlife from entering the yard. Its design matches the existing fence, maintaining visual continuity and minimizing any potential impact. In this context, the requested variance is a practical adjustment that upholds the intent of zoning regulations while addressing specific and legitimate hardships unique to our property.”

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

Applicant response: “The difficulties prompting this variance are not self-imposed

but stem from inherent geographic and topographical conditions beyond our control. The property's proximity to Huron Parkway and the Ruthven Nature Area is a result of the lot's original placement, while the steep slope is a natural feature of the backyard terrain. The need for a retaining wall arose from storm-related damage and ongoing erosion, including fallen trees, broken fence, and slope instability, all of which required structural remediation. The original 6-foot opaque fence—identical in design to the one we propose—was installed by a previous owner to address similar challenges. Our efforts to install a consistent replacement fence following damage reflect a proactive and responsible approach to safety, rather than any self-created hardship or attempt to circumvent regulations."

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

Applicant response: *"We are requesting a 2-foot height and 50% opacity variance to allow for a 6-foot tall, fully opaque fence—the minimum necessary modification to ensure the safe and practical use of our yard. Safety guidelines and industry standards consistently recommend fencing that reduces climbability and visibility in areas near potential hazards. A 6-foot solid fence is far more effective than a 4-foot, semi-open fence at deterring climbing, particularly by children. The additional height makes the fence less inviting to scale, while the opaque design eliminates gaps that could otherwise serve as footholds or handholds. Limiting visibility is another proven safety measure near hazards. Blocking the line of sight helps prevent distraction and deters impulse behavior by removing visual cues that may provoke curiosity or unsafe actions. In this way, the fence acts not just as a physical barrier, but also as a behavioral deterrent to reduce the chance of accidents. Beyond safety, a fully opaque fence provides meaningful noise reduction from the adjacent arterial road. A 4-foot, partially open fence offers little defense against traffic noise, whereas a taller, solid fence can both block and absorb sound, improving the livability of the yard. Finally, full opacity also serves to discourage wildlife from entering the yard from the neighboring nature area, helping to protect the property and its occupants."*

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jon Barrett". The signature is stylized with a large, loopy "J" and "B".

**Jon Barrett- Zoning Coordinator
City of Ann Arbor**