

Subject:

504 Concord Pines Request for Variance

From: RITA ROSS**Sent:** Tuesday, July 22, 2025 3:55 PM**To:** Planning <Planning@a2gov.org>**Subject:** 504 Concord Pines Request for Variance

Dear Zoning Board of Appeals;

Phillip Miller, property owner of 504 Concord Pines, is requesting a variance that would allow him to build a 175 square foot screen porch too close to the property line. This porch would **be visible to Earhart co-owners with units along the property line.** The Concord property is zoned R1B and requires a minimum 40-foot rear yard setback; the owner is requesting a waiver of this variance.

The practical difficulties are not exceptional and not peculiar to Phillip Miller's property. The property is situated within a typical Toll Brothers-developed subdivision. Miller's property setback is similar to that of the 56 others in the subdivision.

The area immediately beyond Miller's rear lot line is a utility easement and an open common area intended to perform like a conservation easement with newly planted young trees that are not yet fully established. The developer intentionally established this open area in agreement with Earhart Village Homes to replace the natural wooded boundary that had existed for over 100 years, as they believed it would calm the public's concerns about a controversial development and make the location more attractive to new homebuyers. Toll Brothers and Earhart Village agreed that the common area would create a buffer, but it would not replace the boundaries of the zoned lots.

Mr. Miller's claim that the current zoning is more than a mere inconvenience because he cannot build an addition to his new home is unreasonable. Whether he was or was not aware of the limitation on July 24, 2024, when he purchased the newly constructed home is not relevant. He "plans to use the screen porch as a space for dining and sitting to enjoy the warm weather," which he can do without a variance by reducing the size of the screen porch. His desire does not trump the rights of adjoining property owners to their privacy and to sit outside, dine, and enjoy the nice weather within their zoned setback.

Granting the variance would result in individual hardships and substantial injustice to the adjoining property owners at Earhart Village Homes. It would compromise their privacy, introduce additional lighting, and increase noise closer to their homes. More importantly, it would undermine the goals of the Unified Development Code, which established clear guidelines to ensure the harmonious development of Concord Pines. This decision would set a precedent that encourages others to seek variances, thereby defeating the purpose of the Unified Development Code and disrupting the community's peace and order.

It is of utmost importance that the Zoning Appeals Board deny the homeowner's variance application. This decision will not only uphold the integrity of the Unified Development Code but also protect the rights and privacy of the adjoining property owners at Earhart Village Homes.

Thank you,

Rita Ross
President
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