



City of Ann Arbor

Formal Minutes

Zoning Board of Appeals

301 E. Huron St.
Ann Arbor, MI 48104
[http://a2gov.legistar.com/
Calendar.aspx](http://a2gov.legistar.com/Calendar.aspx)

Wednesday, June 27, 2018

6:00 PM

Larcom City Hall, 301 E Huron St, Second
floor, City Council Chambers

A CALL TO ORDER

Chair Briere called the meeting to order at 6:04 p.m.

B ROLL CALL

Chair Briere called the roll.

Present: 8 - Candice Briere, David DeVarti, Kirk Westphal, Michael Dobmeier, Michael B. Daniel, Todd Grant, Julie Weatherbee, and Charlotte Wilson

Absent: 1 - Nicole Eisenmann

C APPROVAL OF AGENDA

Moved by Dobmeier, seconded by DeVarti, and approved unanimously as presented.

D APPROVAL OF MINUTES

D-1 [18-1044](#) Minutes of the May 23, 2018 ZBA Meeting

Attachments: 5-23-2018 ZBA Minutes .pdf

Moved by DeVarti, seconded by Weathernee, approved unanimously as presented, and forwarded to the City Council.

E PUBLIC HEARINGS

E-1 [18-1045](#) ZBA18-017; 1501 S State Street
Oxford Companies, representing the property owners, are requesting a variance from Chapter 104 Fences, Section 8:434 (1) (a) Restrictions. The owners are requesting relief to install a six foot tall 95 percent opaque fence located along the front yard and the first 25 feet of the rear yard. Fences are not to exceed four (4) feet in height and 50% opacity in the

proposed location.

Attachments: ZBA18-017; 1501 S State Street Staff Report with Attachments .pdf

Summary:

Oxford Companies, representing the property owners, are requesting a variance from Chapter 104 Fences, Section 8:434 (1) (a) Restrictions. The owners are requesting relief to install a six foot tall 95 percent opaque fence located along the front yard and the first 25 feet of the rear yard. Fences are not to exceed four (4) feet in height and 50% opacity in the proposed location.

Background and Description:

The subject property is located on a corner lot that has frontage along South State Street and East Stadium Boulevard. The fence is proposed to be installed along the east property line which is adjacent to the property's rear yard. The first 25 linear feet require the fence to be four foot tall and 50 percent opaque. The applicant is requesting a six foot tall and 95% opaque fence. The zoning ordinance requires the remaining 23 feet of fencing to be a maximum of eighty percent opaque. The applicants are seeking an additional 15% opacity variance for the 95% request.

The property is adjacent to the Stadium bridge which significantly raised the elevation of the street right of way.

Standards for Approval Chapter 104 Fences (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 the creation of the Stadium Boulevard overpass

was not self-imposed and has created a lot that no longer resembles a corner lot. Additionally, the applicants state that their variance request will not create any negative impacts to the adjacent properties.

QUESTIONS BY BOARD TO STAFF:

The Board asked for clarity on the front yard designation, the height of the bridge on Stadium Boulevard, the opacity of the proposed fence, the fence's relationship to the public right of way.

PUBLIC HEARING:

Joesph Misfud, 1504 Doris Street, Livonia, MI, representing the owner, explained that the owner wishes to make an improvement to their current fence that is in disrepair. He also explained that for the application, a survey was completed and that the new fence would be completed on the property line, and that the old fence would be removed.

Grant inquired about the height and opacity of the requested fence.

Misfud explained that the height and opacity of the fence are needed to allow for privacy and security of the homeowners.

DeVarti inquired about the removal two dead trees near to the applicants property, as well as a possible easement.

Misfud answered that there has been communication with the City as to who is responsible for the removal of the trees. He added that the area discussed has an easement and that the trees are not on the owner's property.

Jeffrey Post, Ann Arbor, Owner of the property, explained that is is important to him for his tenants to have a feeling of safety and security. He added that he would like to resolve the issue of the fence not being on the property, and the fence's state of disrepair. He requested a favorable vote in order to keep things as nice as possible in the area.

Moved by DeVarti, seconded by Grant, in Petition ZBA18-017; 1501 S State Street

Variance:

Based on the following findings of fact and in accordance with the established standards for approval, the Zoning Board of Appeals hereby GRANTS the following variances from Chapter 104 Fences, Section 8:434 (1)(a):

To allow a six (6) foot tall, eighty percent opaque fence to be installed in the front yard. The fence is to be installed along the eastern property line which serves as the rear yard for the subject property.

After a hearing in accordance with the established procedure 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

BOARD DISCUSSION:

The Board discussed approving the height variance request and allowing the fence requested to have eighty percent opacity.

On a roll call vote, the vote is as follows with the Chair declaring the motion approved.

Variance: GRANTED

Yeas: 8 - Chair Briere, DeVarti, Councilmember Westphal, Vice Chair Dobmeier, Daniel, Grant, Weatherbee, and Wilson

Nays: 0

Absent: 1 - Eisenmann

F UNFINISHED BUSINESS

None.

G NEW BUSINESS

None

H REPORTS AND COMMUNICATIONS

H-1 [18-1112](#) Various Communication to the ZBA

Attachments: Memo from Barrett.pdf

Received and Filed

I PUBLIC COMMENTARY - (3 Minutes per Speaker)

None.

J ADJOURNMENT

Moved by Daniel, seconded by Weatherbee, to adjourn the meeting at 6:50 p.m.

Adjourned unanimously.