

**Zoning Board of Appeals  
April 24, 2024, Regular Meeting**

**STAFF REPORT**

**Subject: ZBA 24-0006; 618 Stratford Drive**

**Summary:**

Tony Weil, property owner, is seeking a variance from Section 5.26.2 (A)(1) Fencing Standards to allow an eight foot tall 100 percent opaque fence in the front yard along Hill Street and Avon Road. The maximum allowed fence height and opacity in the front yard is four feet tall and 50% opaque for residential districts. The property is zoned R1B, Single-Family Residential.

**Background:**

The subject property is located at the southeast corner of the Hill Street and Avon Road intersection in the Angell neighborhood. The home was built in 1950 and is approximately 2,804 square feet in size. The lot comprises 18,730 square feet in area.

**Description:**

The subject property fronts along Hill Street, Avon Road, and Stratford Drive. The property has three front yards and one side yard. The property does not have a rear yard based on Zoning definitions for yards. The fence is to be eight feet tall and 100% opaque along the Hill Street side of the property and a small portion of Avon Road. The applicant is requesting to construct a privacy fence that will exceed the allowable height requirement by four feet and the opacity maximum by 50 percent. The fence adjacent to the neighbors to the east the fence is proposed to be six feet tall and 100% opaque. That section will require a two foot height and 50% opacity variance.

**Standards**

*Section 5.26 Residential Zoning Districts*

Fences located in residential zoning districts:

1. Shall not exceed four feet in height and 50% Opacity in the Front Yard.

**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 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: *“This property is unique to the city. The property is on a corner and has frontage on 3 roads, Hill St, Avon Rd and Stratford Drive. Because of this, the back and side yards are considered “front yards” by the city and it is not possible to build a back and side privacy fence that is common to properties in the rest of 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: *“Without construction of the fence, I will not be able to take advantage of creating a normal amount of privacy afforded to other backyards in the city. In addition, I will not be able to provide some relief from the very noisy Hill St, especially at rush hour.”*

- (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: *“The proposed back fence will not have any impact on neighbors or the neighborhood because it will essentially be invisible due to the 10' vegetative barrier between Hill St and the proposed back fence. It will not hinder site distances of motorists or create a canyon-like feeling along Hill St. Immediate neighbors have been contacted about the proposed fence and sent letters of their support. The proposed side fences will appear no different than other side fences in the city. Without this variance, this property will be denied the same privacy that is afforded to other properties in the city.”*

- (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 difficulty with the property is due to the unique shape of the property fronting on 3 roads, one of them being very busy.”*

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

Applicant response: *“The variance will allow a fence to be built in the “backyard” of the property that will be equivalent to fences in other backyards in the city. It will also have the advantage that it won't be visible from the street or hinder site distances for motorists because of the existing 10' deep vegetation between Hill St and the proposed fence. The proposed backyard fence will be at least 25' from Hill St. The proposed side fences at the driveway and adjacent to the neighbor's property will be equivalent to other side fences in the city.”*

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Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jon Barrett". The signature is stylized with loops and a small "m" above the "j".

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