

ANN ARBOR BUILDING BOARD OF APPEALS

Show Cause Hearing for Dangerous Buildings at 2026 DEVONSHIRE ROAD, Ann Arbor, MI 48104 (Parcel Identification Number: 09-09-34-205-017

Hearing date: May 12, 2016

STAFF REPORT

Staff recommends: that the Building Board of Appeals find the buildings are dangerous buildings and order that they be vacated for reasons explained below.

DESCRIPTION AND DISCUSSION

Property Owner's Name and Address:

Manfred and Paula Kochen
2026 Devonshire Rd.
Ann Arbor, MI 48104

Other interested parties:

PNC Bank Ann Arbor
101 S. Main Street
Ann Arbor, MI 48104

The buildings on this property are a owner-occupied, single-family house and a detached garage.

An inspection was conducted by staff on March 30, 2016. Based on the inspection the Building Official determined that the buildings are dangerous buildings as defined in Section 8:382 of Chapter 101 of the Ann Arbor City Code.

A Notice and Order, with photos of the exterior, was sent on April 8, 2016, to the owner stating that the Building Official has found the buildings are dangerous buildings and orders the owner to demolish or otherwise make them safe by April 22, 2016.

An Order to Show Cause was sent on May 3, 2016, to the owner to appear before the Building Board of Appeals to explain why the Board should not find the buildings are dangerous and order the owner to demolish or otherwise make them safe.

STAFF FINDINGS

Upon initial inspection the Building Official determined that the buildings are dangerous buildings based on conditions that include, but are not limited to, the following:

- Gutters are falling off of all sides of house.
- Rear 2nd story wooden balcony is rotted and hanging next to house.
- Very large hole in tile roof, potential for entry by animals.
- Several small holes in roof.
- Front porch concrete steps are deteriorating.
- Left front corner of house by driveway has collapsing bricks.
- Side window of garage is broken out.

The report attached to this staff report contains details of subsequent contacts with the owner and inspections. A cursory summary is as follows:

- April 13th, the City received correspondence from David Kochen who occupies the property. His father is deceased and the mother who is the owner of the property lives at another location.
- April 18th, Building Official Peter Pace responded reiterating concerns that the house was unsafe for occupancy.
- April 19th, the Building Official had further conversation with David Kochen.
- April 29th, the Building Official and Administrative Assistant Ann Howard conducted an inspection of the interior of the house accompanied by David Kochen and his brother Mark Kochen. The Building Official found the house to be unfit for occupancy for reasons that include the danger of a ceiling and/or roof collapsing in a bedroom. Mark indicated that he has offered for his brother David to relocate to his property.
- May 4th, the City received correspondence from Mark Kochen with a plan of action, which includes having the house vacated and prepared for sale.

Staff will update Board Members with any changes occurring after issuance of this staff report at the hearing.

STAFF RECOMMENDATION

Staff recommends that the Building Board of Appeals find the buildings on the property at 2026 Devonshire Road are dangerous buildings as defined in Section 8:382 of Chapter 101 of the Ann Arbor City Code and order that they be vacated until the Building Official and/or the Building Board of Appeals finds they no longer meet the definition of dangerous building in the Ann Arbor City Code. The Building Official will recommend to the Board dates by which the Building Official believes action shall be taken.

Under City Code Sections 8:382(2), (3), (6), and (8), a building is a dangerous building if it is:

- (2) Structurally weakened or less stable and does not meet minimum code requirements due to damage by fire, wind, flood, deterioration, vandalism, etc.
- (3) Likely to fall or collapse and injure persons or damage property.
- (6) Manifestly unsafe for the purpose for which it is used.
- (8) A dwelling place that is unsanitary or unfit for human habitation due to dilapidation, decay, damage, faulty construction, etc..

These buildings meet all of these descriptions of dangerous buildings in the code. Portions of the roof are likely to collapse and injure the occupants of the house. The gutters that are falling off of all sides of the house could also injure persons or property. The rotting 2nd story wooden balcony is structurally weakened due to damage by the elements and neglect. In short, all of the conditions, including the interior of the house make it unsafe and unfit for continued human habitation.

Note that the proposed motion provided below is merely a suggestion as the Board's ultimate decision is completely within the Board's discretion.

PROPOSED MOTION

I move that in the case of the Show Cause hearing for BBA Case # _____, concerning the Buildings at **2026 Devonshire Road**, Ann Arbor, Michigan, the Building Board of Appeals finds that the buildings are dangerous buildings as defined in Section 8:382 of Chapter 101 of the Ann Arbor City Code and orders that they be vacated until the

Building Official and/or the Building Board of Appeals finds they no longer meet the definition of dangerous building in the Ann Arbor City Code. The house shall be vacated by _____, 2016 and work necessary to make the buildings safe shall be completed by _____, 2016. If the owner fails to comply with this Order then the Building Official may bring this matter back to the Board for further action.

THIS ORDER IS BASED ON THE FOLLOWING FINDINGS:

- The conditions of the roof, gutters, and balcony are such that they threaten to collapse or fall and injure the occupants of the house and other persons, as well as property
- Both the exterior and the interior of the house make it unsafe and unfit for continued human habitation.
- _____
- _____





6 13:27:08





6 13:26:41



CITY OF ANN ARBOR, MICHIGAN

Community Services Area
Planning & Development Services Unit
301 East Huron, P.O. Box 8647,
Ann Arbor, Michigan 48107-8647
Phone: (734) 794-6261
Fax: (734) 994-8460
cstrong@a2gov.org

DANGEROUS BUILDING NOTICE AND ORDER

August 20, 2015

BY CERTIFIED MAIL, FIRST CLASS MAIL, & POSTING

Manfred Kochen
2026 Devonshire Rd
Ann Arbor, MI 48104

Re: 2026 Devonshire Rd, Ann Arbor, Michigan 48104
Parcel Identification Number ("PIN"): 09-09-34-205-017

Dear Mr. Kochen:

Records of the Ann Arbor City Assessor and the Washtenaw County Register of Deeds indicate that you are the owner of the property located within the City of Ann Arbor at the above-referenced address. The property is more fully described in the Assessor's Records as follows:

**PRT LOT 15 BEG INT SL MELROSE AVE WITH WL LOT 21 TH SW ALG S CURVE
BDY OF MELROSE AVE 140.37 FT TH ALG NE BDY LOT 20 133.6 FT TH DEF 68
DEG 21 MIN 30 SEC LT 96.9 FT TH NW ALG SW BDY LOT 21**

This letter is to provide notice that the City finds that the building on the property is a dangerous building as defined in provisions of **Section 8:382 of Chapter 101** of the **Ann Arbor City Code**, including but not limited to subsections **2, 3, 4, 5, 8**. A copy of Chapter 101 is enclosed. Specific defects that render the building dangerous include, but are not limited to, the following:

- **Deteriorating fascia, soffits, balcony and eaves troughs.**
- **Crumbling brick foundation at the corner of the house**
- **Tree has fallen on the roof. The envelope of the house has been compromised**

It is requested that you contact the Building Official by the end of the business day on September 12, 2015 to discuss your intentions for restoring or demolishing the property listed above.

If there are any other parties known to the City who may have an interest in your property, a copy of this Notice and Order is being sent by certified and first class mail to the addresses indicated below.

Failure to respond and/or to remedy the violations will result in a recommendation for you to appear at a future meeting of the Building Board of Appeals.

Because of the immediacy of these health and safety concerns, it is highly recommended that a dialogue be initiated at the earliest instance between the property owner/parties in interest and the City. I can be reached by email or telephone.

Sincerely,

A handwritten signature in black ink that reads "Craig E. Strong". The signature is written in a cursive style with a large, stylized "C" and "S".

Craig Strong, Building Official
City of Ann Arbor Construction Services
(734) 794-6261, cstrong@a2gov.org

Enclosure (Dangerous Buildings Ordinance)

cc (w/attachment and enclosure) by certified and first class mail to:

[TO BE FILLED IN BY ATTORNEY'S OFFICE]

cc: Sumedh Bahl, Community Services Area Administrator
Kristen D. Larcom, Senior Asst. City Attorney



City of Ann Arbor

PLANNING & DEVELOPMENT SERVICES — PLANNING DIVISION

301 East Huron Street | P.O. Box 8647 | Ann Arbor, Michigan 48107-8647

p. 734.794.6264 | f. 734.994.8460 | building@a2gov.org

BUILDING BOARD OF APPEALS MEETING OCTOBER 13, 2016 NOTICE OF CONTINUATION OF HEARING

September 22, 2016

BY CERTIFIED MAIL, FIRST CLASS MAIL & POSTING

Manfred and Paula Kochen
2026 Devonshire Road
Ann Arbor, MI 48104

RE: 2026 Devonshire Road, Ann Arbor, Michigan 48104
Parcel Identification Number ("PIN"): 09-09-34-205-017

Dear Mr. Kochen:

This letter is to inform you of a Notice of Continuation Hearing of the Ann Arbor Building Board of Appeals. The meeting will take place on **October 13, 2016 at 1:30 p.m.** in the 2nd flr Council Chambers of Ann Arbor City Hall. At the hearing you will have the opportunity to present your evidence and testimony for an appeal to the Building Board of Appeals.

The Ann Arbor City Hall is located at 301 East Huron, Ann Arbor, Michigan. If you have any questions, please contact me by email.

Sincerely,

Peter Pace, Deputy Building Official
City of Ann Arbor Construction Services
ppace@a2gov.org



CITY OF ANN ARBOR, MICHIGAN
Community Services Area
Planning & Development Services Unit
301 East Huron, P.O. Box 8647,
Ann Arbor, Michigan 48107-8647
Cstrong@a2gov.org

DANGEROUS BUILDING NOTICE AND ORDER

April 8, 2016

BY CERTIFIED MAIL, FIRST CLASS MAIL, & POSTING

Manfred and Paula Kochen
2026 Devonshire Rd.
Ann Arbor, MI 48104

Re: 2026 Devonshire Rd., Ann Arbor, Michigan
Parcel Identification Number ("PIN"): 09-09-34-205-017

Dear Mr. and Mrs. Kochen:

Records of the Ann Arbor City Assessor and the Washtenaw County Register of Deeds indicate that you are the owner of the property located within the City of Ann Arbor at the above-referenced address. The property is more fully described in the Assessor's Records as follows:

PRT LOT 15 BEG INT SL MELROSE AVE WITH WL LOT 21 TH SW ALG S CURVE
BDY OF MELROSE AVE 140.37 FT TH ALG NE BDY LOT 20 133.6 FT TH DEF 68
DEG 21 MIN 30 SEC LT 96.9 FT TH NW ALG SW BDY LOT 21 111.62 FT TH N ALG
W BDY LOT 21 15 FT TO POB C L TUOMY WASHTENAW HILLS SUB

This letter is to provide notice that the City finds that the buildings on the property are dangerous buildings as defined in provisions of **Section 8:382** of **Chapter 101** of the Ann Arbor City Code, including but not limited to subsections 2, 3, 6, and 9. A copy of Chapter 101 is enclosed. Specific defects that render the buildings dangerous include, but are not limited to, the following:

- Gutters are falling off of all sides of house.
- Rear 2nd story wooden balcony is rotted and hanging next to house.
- Very large hole in tile roof, potential for entry by animals.
- Several small holes in roof.

- Front porch concrete steps are deteriorating.
- Left front corner of house by driveway has collapsing bricks.
- Side window of garage is broken out.
- See enclosed photographs.

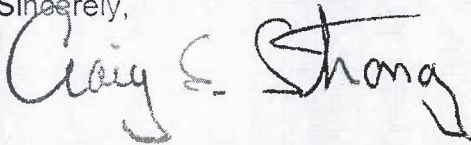
It is requested that you contact the Building Official by the end of the business day on **April 22, 2016**, to discuss your intentions for demolishing or repairing the buildings listed above.

If there are any other parties known to the City who may have an interest in your property, a copy of this Notice and Order is being sent by certified and first class mail to the addresses indicated below.

Failure to respond and/or to remedy the violations will result in a recommendation for you to appear at a future meeting of the Building Board of Appeals.

Because of the immediacy of these health and safety concerns, it is highly recommended that a dialogue be initiated at the earliest instance between the property owner/parties in interest and the Building Official. I can be reached by email or telephone.

Sincerely,



Craig Strong, Building Official
City of Ann Arbor Construction Services
cstrong@a2gov.org

Enclosures (Dangerous Buildings Ordinance; photographs)

cc (w/ enclosure) by certified and first class mail to:

**PNC Bank Ann Arbor
101 S. Main Street
Ann Arbor, MI 48104**

cc: Derek Delacourt, Community Services Area Administrator
Kristen D. Larcom, Senior Asst. City Attorney



CITY OF ANN ARBOR, MICHIGAN

Community Services Area
Planning & Development Services Unit
301 East Huron, P.O. Box 8647,
Ann Arbor, Michigan 48107-8647
Cstrong@a2gov.org

**DANGEROUS BUILDING
ORDER TO SHOW CAUSE ON MAY 12, 2016 at 1:30 p.m**

May 3, 2016

BY CERTIFIED MAIL, FIRST CLASS MAIL, & POSTING

Manfred and Paula Kochen
2026 Devonshire Rd.
Ann Arbor, MI 48104

Re: 2026 Devonshire Rd., Ann Arbor, Michigan
Parcel Identification Number ("PIN"): 09-09-34-205-017

Dear Mr. and Mrs Kochen:

A Dangerous Building Notice and Order, a copy of which is enclosed and made part of this Order to Show Cause, was served on you on the date indicated informing you that the building that you own and/or have an interest in at the above-referenced address is a dangerous building, as defined in Section 8:382 of the Ann Arbor City Code. Your building was deemed dangerous pursuant to the provisions listed in the enclosed Notice and Order due to the conditions listed therein.

Inspection reveals that you have not undertaken the work necessary to demolish the building or to otherwise make it safe.

Therefore, this is your notice that a public hearing, which you and/or your attorney are ordered to attend, will be conducted by the Ann Arbor Building Board of Appeals on May 12, 2016, at 1:30 p.m. on the 2nd floor City Council Chambers in the Ann Arbor City Hall. At the hearing you will have an opportunity to show cause why you should not be required to demolish or otherwise make safe the building at the above-referenced

address, which is more specifically described as follows:

PRT LOT 15 BEG INT SL MELROSE AVE WITH WL LOT 21 TH SW ALG S CURVE
BDY OF MELROSE AVE 140.37 FT TH ALG NE BDY LOT 20 133.6 FT TH DEF 68
DEG 21 MIN 30 SEC LT 96.9 FT TH NW ALG SW BDY LOT 21 111.62 FT TH N ALG
W BDY LOT 21 15 FT TO POB C L TUOMY WASHTENAW HILLS SUB

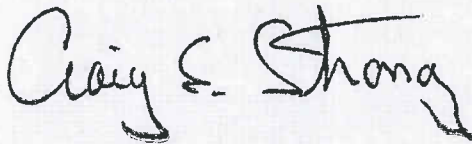
The Building Board of Appeals will take your testimony and the testimony of any other interested persons. Please bring any evidence you wish to submit to the Board.

A copy of this Dangerous Building Order to Show Cause is being filed with the Washtenaw County Register of Deeds. If there are any other parties known to the City who may have an interest in your property, a copy is also being sent by certified and first class mail to the addresses indicated below.

The Ann Arbor City Hall is located at 301 East Huron, Ann Arbor Michigan.

If you have any questions please contact me by e-mail or phone.

Sincerely,



Craig Strong, Building Official
City of Ann Arbor Construction Services
cstrong@a2gov.org

Enclosures (Dangerous Building Notice & Order)

cc (w/ enclosure) by certified and first class mail to:

PNC Bank Ann Arbor
101 S. Main Street
Ann Arbor, MI 48104

cc: Derek Delacourt, Community Services Area Administrator
Kristen D. Larcom, Senior Asst. City Attorney