



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

KEITH W. COOLEY
DIRECTOR

December 6, 2007

Mr. Tony Savoni, Building Official
City of Ann Arbor
100 North Fifth Street
P.O. Box 8647
Ann Arbor, MI 48107-8647

RE: PE 08-009

Dear Mr. Savoni:

On November 9, 2007, our office sent you a letter (copy enclosed) requesting a response regarding a complaint filed with this office from Fritz Crisler. To date, no reply has been received.

Perhaps you overlooked this matter, or did not realize the importance of providing our office with a response.

It is again requested that you provide our office with complete information regarding this matter.

I would ask that your written response and all copies of documents requested within our letter be provided to this office within 10 days of receipt of this letter, as provided by Section 9b (1) of the Act.

If you have questions, you may contact our office at (517) 241-9347.

Sincerely,

Michael Somers, Analyst
Office of Local Government and Consumer Services

MDS/ms

Cc: Jacqueline Beaudry, Clerk, City of Ann Arbor, w/o encl.
Fritz Crisler, w/o encl.

Providing for Michigan's Safety in the Built Environment

BUREAU OF CONSTRUCTION CODES
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ANN ARBOR



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KEITH W. COOLEY
DIRECTOR

LANSING
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December 7, 2007

Mr. Fritz Crisler
1304 West Madison Street
Ann Arbor, MI 48103

RE: PE 08-009

Dear Mr. Crisler:

This acknowledges receipt of the response requested from the City of Ann Arbor in regard to the above-captioned matter, received in this office on December 4, 2007. A copy of the City's response is enclosed for your informational purposes.

A thorough review of the City's response has been completed. Based upon our review, it has been determined that the City of Ann Arbor has provided a response that addresses the allegations and code issues contained within your complaint.

Within the City's response it is indicated that the previous owners of the property located at 1311 Lutz Avenue, Randy and Beth Ann Koch applied for a building permit for an addition to the structure utilizing the homeowner provision as authorized under the Michigan Residential Code. The City further indicates that scope of construction performed at the site exceeded the perimeters of the issued permit and the City required and was furnished additional construction documents by the previous owners. The City also indicates that electrical, mechanical, and plumbing permits were issued and received inspection approvals while the building permit and the local grading permit have now expired.

The City also indicates that grading work at the site differed substantially from the grading plan reviewed and approved by the City. It is noted that the previous owner initiated additional grading work that affected adjacent properties beyond the scope of the approved plans. From the copies of correspondence contained within the City's response, it appears the City notified the previous owner of the violations and authorized the issuance of citation tickets to address the outstanding condition of the uncorrected violations.

The City also indicates that no legal or illegal occupancy has been taken at the structure and has issued a posted notice declaring the structure uninhabitable until all construction activity has been inspected and approved. The City also indicates that this matter and other code-related issues are being pursued with the current owners to bring proper resolution to this situation.

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Mr. Fritz Crisler
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December 7, 2007

At this point it should be noted that the Bureau of Construction Codes' authority is limited and is confined to the application of construction codes as provided by the Stille-DeRossett-Hale Single State Construction Code Act, 1972 P.A. 230, MCL 125.1501 et seq. The laws regulated by this agency do not provide our office with the authority to address matters related to the enforcement of local ordinances, local grading, fill and drainage requirements, or issues falling beyond the scope of authority of the Act, and the codes. Grading beyond a distance of 6 feet from the structure is not addressed within the Michigan Residential Code and can be regulated through the enforcement of locally adopted zoning or land use ordinances.

Additionally, the revised possible remedies contained within your letter dated November 6, 2007, cannot be addressed, initiated, or enforced by our agency. I would suggest that discussions with your legal counsel would be beneficial in order to direct and address your concerns regarding those matters within the proper legal forum.

Therefore, based upon our review of the information provided to this office, it appears that the City of Ann Arbor has utilized proper construction code enforcement measures to address the work performed at 1311 Lutz Avenue including the requirement for construction documents, the submittal of applications for permits, the issuance of permits, the performing of inspections, and the issuance of violation notices and the pursuit of legal remedy to compel the previous property owners to achieve compliance with the code and other applicable laws and ordinances being enforced within the City. Based upon our review, it appears that the City has provided an adequate respond to the allegations and code issues contained within your complaint that fall under the scope of authority of this office to address.

If you have additional concerns or questions, please contact our office in writing so that we are able to provide you with a written response, or you may contact our office at (517) 241-9347.

Sincerely,



Michael Somers, Analyst
Office of Local Government and Consumer Services

MDS/ms
Enclosure

Cc: Anthony Savoni, Building Official, City of Ann Arbor, w/o encl.
Mark Lloyd, Manager, Ann Arbor Planning and Development Services, w/o encl.
Jacqueline Beaudry, Clerk, City of Ann Arbor, w/o encl.