



**APPROVED MINUTES OF THE REGULAR SESSION OF THE  
BUILDING BOARD OF APPEALS OF THE CITY OF ANN ARBOR  
DECEMBER 12, 2007- 1:30 P.M. – SECOND FLOOR – COUNCIL CHAMBERS  
100 N. FIFTH AVENUE, ANN ARBOR, MI 48104**

**MEETING CALLED TO ORDER** at 1:35 p.m. by Chair Kenneth Winters

**ROLL CALL**

Members Present: (5) K. Winters, R. Hart, R. Reik,  
P. Darling and S. Callan

Members Absent: (0)

Staff Present: (6) A. Savoni, K. Chamberlain, M. Lloyd, J. Ellis,  
K. Larcom and B. Acquaviva

**A - APPROVAL OF AGENDA**

**A-1** Approved as Presented Without Opposition.

**B - APPROVAL OF MINUTES**

**B-1** Draft Minutes of the November 14, 2007 Regular Session – Approved as Presented.

Moved by P. Darling, Seconded by R. Reik, **“to approve the minutes of the November 14, 2007 Regular Session.”**

**On a Voice Vote – MOTION PASSED - *UNANIMOUS***

**C - APPEALS & ACTION**

**C-1 2007-B-031 – 849 East University Avenue**

**John Westerman is requesting a variance from Section R305.1, R11.5.1 and R311.5.3.2 of the 2003 Michigan Residential Code.**

**Description and Petitioner Presentation**

John Westerman was present to speak on behalf of the appeal. He stated that he is improving a basement of a home he rents in which students typically use as a sleeping area which is not allowed. Rather than trying to prevent the tenants from using this area, he is trying to make this area correct habitable space. I would incorporate two bedrooms, a bath and a common room. The existing basement is about 6 foot 11 inches for headroom, but with drywall, fire stopping and floor treatments, this will reduce the ceiling height approximately an additional 1 ½ inches. The second request is the staircase which is 34 ½ inches wide at the entry and drywall will reduce that a bit more. The foot of the staircase has a support beam across the entire width of the house and headroom under that beam is 6 foot 8 inches. I would like to adjust the staircase so that all the steps would be an equal rise of 8 ½ inches and reduce the tread down slightly.

52 **Recommendation:**

53

54 A. Savoni – Staff is supportive of the ceiling height request in the basement, however, the area  
55 under the beam is lower than the Board has previously approved.

56

57 With regard to the stair, if it is found that repair to the existing stair would be difficult due to  
58 structural considerations, staff would be supportive of this request based on the code section in  
59 Appendix J “Existing Buildings and Structures” which states: “Where compliance with these  
60 provisions or with this code as required by these provisions is technically infeasible or would  
61 impose disproportionate costs because of structural, construction or dimensional difficulties,  
62 other alternatives may be accepted by the building official.” Petitioner appears to be improving  
63 the existing non-code compliant stair. We would suggest that if the Board is supportive of  
64 granting any variance, a fully automatic, building wide smoke detection system be a condition of  
65 the variance.

66

67 K. Chamberlain – The Fire Department concurs with the determination of the Building  
68 Department.

69

70 **Comments and Questions from the Board**

71

72 S. Callan – The Building Department has approved putting bedrooms in the basement? (A.  
73 Savoni – Yes, complete with egress).

74

75 *(The Board discussed the headroom issues at length with the petitioner).*

76

77 P. Darling – Stated that he would have reservations about reducing the tread on the last step  
78 which would make the stair too steep. I think it can be adjusted, but use an alternative to  
79 sacrificing the tread. (The petitioner stated he had to move the entire stairs back by 7 inches in  
80 order to do this and make the steps even).

81

82 The petitioner explained that the ductwork, etc. would be partitioned off with a barrier, so it  
83 would not be habitable space. (A. Savoni – Stated another variance would be needed for the top  
84 door into the bedroom (under the beam)).

85

86 **MOTION #1**

87

88 Moved by P. Darling, Seconded by S. Callan, “In the matter of Appeal Number 2007-B-031,  
89 849 East University Avenue, the Board hereby grants a variance from Section R305.1, of  
90 the 2003 Michigan Residential Code to permit a finished ceiling height of 6’ 10” in the two  
91 bedrooms, bathroom and common area of the basement. We find this to be equivalent to  
92 Appendix “J” of the 2003 Michigan Residential Code. A fully automatic building-wide  
93 smoke detection system will be a condition of the variance and shall be installed to the  
94 satisfaction of the Fire Department.”

95

96 **On a Voice Vote – MOTION PASSED – UNANIMOUS (Variance Granted)**

97

98 **MOTION #2**

99

100 Moved by P. Darling, Seconded by R. Reik, “In the matter of Appeal Number 2007-B-031,  
101 849 East University Avenue, the Board hereby grants a variance from Section R311.5.1 to  
102 allow a stairway to be rebuilt with an existing opening of 34” in width and we find this to  
103 be equivalent to Appendix “J” of the 2003 Michigan Residential Code.

104

105 **On a Voice Vote – MOTION PASSED – UNANIMOUS (Variance Granted)**

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**MOTION #3**

Moved by P. Darling, Seconded by R. Reik, “In the matter of Appeal Number 2007-B-031, 849 East University Avenue, the Board hereby grants a variance from Section R311.5.3.2 to allow a tread depth of at least 8 ¼“ tread dimension, with an additional nosing dimension on top of that 8 ¼” and the stair will have a minimum of 6’8” headroom. We find this to be equivalent to Appendix “J” of the 2003 Michigan Residential Code.

**On a Voice Vote – MOTION PASSED – 4 Yeas and 1 Nay) (Variance Granted)**

**Yea – R. Reik, R. Hart, S. Callan and K. Winters (4)**

**Nay – P. Darling (1)**

**C-2 2007-B-032 – 819 Daniel Street**

**Gregg Armstrong, contractor for this property, is requesting a variance from Sections R305.1, of the 2003 Michigan Residential Code.**

**Description and Petitioner Presentation**

Gregg Armstrong is requesting a variance from Section R305.1 of the 2003 Michigan Residential Code that requires a 7 foot 0 (zero) inch ceiling height in a basement with habitable space, and allows beams/girders not less than 4 feet on center to project below, a maximum of 6 inches. Exception 4 states: “Bathrooms shall have a minimum ceiling height of 6 feet 8 inches (2036 mm) over the fixture and at the front clearance area for fixtures.”

Mr. Armstrong stated that the main supply and return ductwork in the basement bathroom is reduced because the main joists do not run parallel with these. It would be a large costly project to reroute these. We’re requesting a variance of 6” over the bathroom fixture which is approximately 4 x 4.

**Recommendation:**

A. Savoni - Staff is supportive of the ceiling height request and we would suggest that if the Board is supportive of granting any variance, a fully automatic, building-wide smoke detection system be a condition of the variance. In the inspection report, the inspector stated the ceiling is too low for both the toilet and the sink. The toilet is the only issue now as the sink was relocated.

K. Chamberlain – The Fire Department concurs with the Building Department.

**Comments and Questions from the Board**

P. Darling – How wide is the duct over the toilet? (Petitioner – 4 feet wide). So this will cover most of the toilet? (Yes).

R. Hart – You have the proper clearances under the rest of the fixtures? (Petitioner – Yes – above the others is a 7’ 3” ceiling, and the inspections for the plumbing have already passed).

K. Winters – Is there enough clearance between the toilet and sink? (Yes). A. Savoni – stated all other inspections were ok’d.

160 R. Hart – Suggested that updated plans be submitted to the Building Department for this  
161 variance if it should pass. The revised plan will contain all measurements for clearances  
162 between fixtures and their locations and ceiling heights at each point.

163  
164 **MOTION**

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166 Moved by R. Hart, Seconded by S. Callan, “**In the matter of Appeal Number 2007-B-032, 819**  
167 **Daniel Street, the Board hereby grants a variance from Section R305.1 of the 2003**  
168 **Michigan Residential Code, to permit a minimum headroom height of 6’5” over the toilet**  
169 **located in the alcove area of the basement, provided that a fully automatic building-wide**  
170 **smoke detection system be a condition of the variance and shall be installed to the**  
171 **satisfaction of the Fire Department. A revised plan of this bathroom will also be**  
172 **submitted to the Building Department and will contain all measurements for clearances**  
173 **between fixtures and their locations and ceiling heights at each point. We find this to be**  
174 **equivalent to Appendix “J” of the 2003 Michigan Residential Code.”**

175  
176 **On a Voice Vote – MOTION PASSED – *UNANIMOUS (Variance Granted)***

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179 **C-3 2007-B-033 – 1010 Fairmount Drive**

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181 **Kelly Love, contractor for this property, is requesting a variance from Sections**  
182 **R305.1, of the 2003 Michigan Residential Code.**

183  
184 **Description and Petitioner Presentation**

185  
186 Kelly Love is requesting a variance from Section R305.1 of the 2003 Michigan Residential Code  
187 that requires a 7 foot 0 (zero) inch ceiling height in a basement with habitable space, and allows  
188 beams/girders not less than 4 feet on center to project below, a maximum of 6 inches.

189  
190 Petitioner is remodeling the basement. The ceiling height in the majority of the area is over the  
191 minimum 7 feet 0 (zero) inches in the majority of the space. However, petitioner is proposing to  
192 cover the beam, ductwork and piping with drywall. This will bring the finished ceiling height  
193 down to 6 feet 9-1/2”. The width of this drop will range from 5 feet 2 inches to 6 feet 8 inches.  
194 Code requires that this drop be less than 4 feet 0 (zero) inches.

195  
196 Kelly Love was present to speak on behalf of the appeal. She stated that the height of the span  
197 in the ceiling is not to code (exceeds the allowable 48”) – we are at nearly 90” wide. The ceiling  
198 height (unfinished/no carpeting) is 6’10”. The beam and heat duct and cold air returns (which  
199 will be covered) all run parallel to each other. The pipes themselves are 27” wide each. We  
200 spoke to a heating and cooling specialist who stated that it can’t be raised any higher. To  
201 reroute all of this would be very costly. She also stated that much of this area would be covered  
202 by cabinetry and an entertainment center. She also said that it would be very costly to hard-wire  
203 a smoke detection system in this home due to its design.

204  
205 **Recommendation:**

206  
207 A. Savoni - Staff is supportive of the ceiling height request and would suggest that if the Board is  
208 supportive of granting any variance, a fully automatic, building wide smoke detection system  
209 installed per the direction of the Fire Marshal be a condition of the variance. (He informed the  
210 petitioner that one hard wired smoke detector can be installed in one location of the home and  
211 radio controlled fire detectors can be installed in the remainder of the home which will  
212 communicate with the hard-wired station and will meet the requirements of the code).

214 K. Chamberlain – The Fire Department concurs with the Building Department.

215

216 **Comments and Questions from the Board**

217

218 R. Reik – If the soffit was 3’ wide, we wouldn’t need a variance? (No).

219

220 K. Winters – (Questioned the petitioner regarding the storage area).

221

222 **MOTION**

223

224 Moved by R. Reik, Seconded by P. Darling, “**In the matter of 2007-B-033, 1010 Fairmount**  
225 **Drive, the Board hereby grants a variance from Section R305.1 of the 2003 Michigan**  
226 **Residential Code, to permit a ceiling height of 6’9 ½ ” under a soffit that ranges from 5’2”**  
227 **to 6’8” in width, provided that a fully automatic, building-wide smoke detection system is**  
228 **installed to the satisfaction of the Fire Department. We find this to be equivalent to what**  
229 **the Code requires.”**

230

231 **On a Voice Vote – MOTION PASSED – UNANIMOUS (Variance Granted)**

232

233

234 **D - OLD BUSINESS**

235

236 **D-1 2007-B- 024 – 825 South Main Street (Tabled from Oct. thru Dec.)**

237

238 The applicant is requesting a variance from Section R311.5.2 of the 2003  
239 Michigan Residential Code.

240

241 **Description and Petitioner Presentation**

242

243 *No one was present to speak on behalf of the appeal.*

244

245 **Recommendation:** None.

246

247 **Comments and Questions from the Board**

248

249 In absence of the petitioner, the Board made the following:

250

251 **MOTION**

252

253 Moved by P. Darling, Seconded by R. Reik, “**In the matter of Appeal Number 2007-B-024,**  
254 **825 South Main Street, that the Appeal be dismissed for lack of representation and**  
255 **proposed solution.”**

256

257 **On a Voice Vote – MOTION PASSED – UNANIMOUS (Variance Denied)**

258

259 **\*The Board recessed at 2:15 p.m. and reconvened at 2:25 p.m.**

260

261 **E-1 2007-BSC-001 – 1917 Washtenaw Avenue (Original Variance**  
262 **2006-B-025)**

263

264 Kai Constantinov, Owner/Operator of this property, is being requested to “Show  
265 Cause” why she has not complied with the 2003 Michigan Building Code,  
266 Section 105 (Inspections of Required Work).

267

268 **Description and Petitioner Presentation**

269  
270 *No one was present to show cause why the Inspections of Required Work had not been*  
271 *performed.*

272  
273 **Recommendation:** None.

274  
275 **Comments and Questions from the Board**

276  
277 In absence of the petitioner, the Board made the following:

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279 **MOTION**

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281 Moved by R. Reik, Seconded by R. Hart, ***“In the matter of 2007-BSC-001, 1917 Washtenaw***  
282 ***Avenue, (aka “The Tea House”), the Building Board of Appeals hereby revokes former***  
283 ***variance Number 2006-B-025, as the permit and inspection requirements relating to the***  
284 ***variance was not completed.”***

285  
286 **On a Voice Vote – MOTION PASSED – UNANIMOUS (Variance Number 2006-B-025**  
287 **REVOKED)**

288  
289  
290 **E. NEW BUSINESS**

291  
292 **E-1 2007-DBSC-001 – 800 North Main Street**

293  
294 Mark Lloyd, Planning and Development Services Manager was present to give the Board  
295 information on the revised Dangerous Buildings Ordinance and the cases being brought before  
296 them today. He stated that staff would provide a PowerPoint presentation of pictures of the  
297 properties involved.

298  
299 The first hearing is property owned by Melvin and Betty Lewis at 800 North Main Street. This is  
300 a show cause hearing as to why the building should not be demolished. There are a number of  
301 conditions that exist on the site that resulted in this determination. The site and building are in a  
302 state of disrepair and as the photos demonstrate, you’ll see that both are problematic. There is  
303 an extensive history on this property, and the Board was provided with copies of all notifications  
304 also sent to the owners.

305  
306 This building has been vacant in excess of twenty years and has not been well maintained. The  
307 building is open and exposed to the weather. There are also underground fuel storage tanks on  
308 this property that have not been removed. Because this building has not been occupied, rented  
309 or for sale for more than 180 days, this constitutes grounds for violation of the ordinance.  
310 Chronologically, the building has been vacant since 1980. *(Mr. Lloyd also stated that staff*  
311 *members Mr. Jeff Ellis, Inspections Supervisor, Mr. Anthony Savoni, Building Official and*  
312 *Assistant City Attorney Kristen Larcom were also present to answer any questions the Board*  
313 *might have).*

314  
315 R. Hart – (To M. Lloyd) What would be the disposition of the fuel tanks – would they go through  
316 a full assessment and removal process? (At this time, we’re not proposing removal of the fuel  
317 tanks at this particular level. That is not an area of expertise that we would have. That would  
318 be the continued responsibility of the property owner, and if the Board would like staff to look  
319 into whether the city can engage in the removal of those tanks, we’re currently proposing  
320 demolition of the structure).

321

322 R. Hart – Is this an issue for the Fire Department? (K. Chamberlain – I’m not certain if it’s been  
323 verified that those tanks are empty, but there can always be a concern with underground  
324 contamination).

325  
326 S. Callan – I would think that that would be a very important issue for that property to get rid of  
327 those.

328  
329 K. Winters – Can we recommend that the building be demolished as well as elimination of the  
330 fuel tanks? (M. Lloyd – We could include that, but we want to restate that we have a clear  
331 determination for demolition of this building, but the implication of those fuel tanks is a bit  
332 different circumstance, so staff would have to do additional research to determine whether we  
333 can and/or how we can go about that. If it’s a course of action we can take in addition to the  
334 demolition, we can engage in that as well).

335  
336 P. Darling – Would the city employ a contractor to remove the building? (M. Lloyd – Yes).

337  
338 S. Callan – This building has come before us before for a show cause hearing – can you speak  
339 to that?

340  
341 J. Ellis – Yes, this building has come before this Board previously – June of 1995. (*The Board*  
342 *discussed why the building owners had not complied from the previous hearings*).

343  
344 R. Reik – Asked if the taxes on the property were in arrears. (M. Lloyd stated that staff would be  
345 happy to research that, but that it held no particular bearing regarding the show cause hearing).

346  
347 **Petitioner Presentation:**

348  
349 Pastor Melvin Lewis was present to show cause why this building should not be demolished.  
350 He stated that yes, the building had gone before the Board on a number of times and  
351 referencing the fuel tanks as well. In reference to this particular building, it was originally zoned  
352 C2B to C1 to RM4, and I have no knowledge of how those changes came to be. This is a  
353 cinderblock building and we were in the process of siding it (with permits) when the city issued a  
354 stop-work order. We were required to get engineered drawings of the changes we were  
355 making, we obtained the certified drawings from an architect.

356  
357 I have tried to address this issue with the Building Department to no avail. The purpose of  
358 owning the building was for a youth program which has been blocked by the private interests of  
359 a real estate entrepreneur who would like to buy it. We are prepared to do whatever necessary  
360 to restore the building upon the approval with the plans that were submitted.

361  
362 He stated that they have met with the Fire Department regarding the fuel tanks and were told to  
363 fill them with sand as they haven’t been used in fifty years. We have also made joint application  
364 with Brownfields and the county to remove the tanks. Since we’ve had such resistance with  
365 restoration of the building, we haven’t pursued the tank removal. Mr. Lewis stated that he is a  
366 licensed contractor and that the building is solid block and structurally sound.

367  
368 **Staff Information:**

369  
370 A. Savoni – Stated that the owner was issued a stop-work order when they tried to install the  
371 Mansard roof without a permit. We asked for engineered drawings because at this point they  
372 stated it would be an ice cream store, and it would have to be handicapped accessible as it was  
373 a ‘change of use’ for the property (as code requires). At that point, we never heard from Mr.  
374 Lewis again, nor did we receive any drawings.

375

376 M. Lewis – Stated that everything in that building would be carry-out, and there will be no inside  
377 activity – so they didn't need handicapped access. (A. Savoni informed Mr. Lewis that because  
378 there would be a worker inside that building, that code requires a restroom will be there for that  
379 employee, and because this is a change of use, it has to be handicapped accessible).

380  
381 K. Chamberlain – Stated that she wasn't in the Fire Marshall's staff position the last time this  
382 issue was presented. She asked Mr. Lewis if he had any documentation from his previous  
383 contact with the Ann Arbor Fire Department authorized the tanks filled with NS2 sand, as she  
384 did not aware of anything that would authorize them to even suggest that.

385  
386 Mr. Lewis – Stated that previous to the Brownfields program was implemented, the City Fire  
387 Marshall recommended this. (Mr. Lewis did not offer any documentation that this was  
388 suggested).

389  
390 R. Hart - If there was a stop-work order posted, this wouldn't preclude them from doing work to  
391 maintain the building, would it? (A. Savoni – No). (The owner stated that this was not his  
392 understanding and that he felt the building was structurally sound).

393  
394 *(Discussion between the owner and the building official, Anthony Savoni. Mr. Savoni stated*  
395 *once again that the owner must submit new plans, as he has been proposing a 'change of use'*  
396 *for the building, and that it must comply with new construction and handicap standards. There*  
397 *are no plans on file with the Building Department to would meet these standards It would also*  
398 *need to go to the Washtenaw County Heath Department and the city would need a copy of that*  
399 *approval. The owner stated that they wouldn't need a handicapped restroom, as it would be*  
400 *'carry out.'* *Mr. Savoni stated that state law requires a handicap access and with that he would*  
401 *also need new plans, layout of the building, electrical, mechanical, etc.).*

402  
403 K. Winters – Suggested that the owner submit new plans to the city within 30 days and work  
404 commence on the building, as it cannot continue in this condition. (Owner still insists that the  
405 zoning has been changed three different times, and they cannot understand why). Board  
406 member Winters suggested that the owner take this up with the Zoning Board of Appeals.

407  
408 M. Lloyd – Suggested that an architect that Mr. Lewis would hire could draw up a plan that  
409 would show all the specific detail needed. It was not a matter of just fixing the Mansard roof but  
410 to submit plans to current code requirements. Whether or not that building can comply with  
411 current code will be determined once you submit those plans. You also have code compliance  
412 issues to the site itself – in regard to your ability to adequately park and landscape the property  
413 and provide appropriate drainage for this. This is a site-planning issue that you need to contend  
414 with that is beyond just the fact that the building has been allowed to deteriorate. It's been  
415 vacant for a period of time, so any 'grandfathered' privileges that this property may have had are  
416 gone. You need to bring this site and building up to code with Planning, Building and Zoning. I  
417 would advise Mr. Lewis to provide us with proof that it *can* be site planned.

418  
419 K. Chamberlain – Concerning your site and building as it currently exists, this site violates  
420 Section 110 of the 2003 International Fire Code as well as Sections 311, which support what Mr.  
421 Lloyd stated about the necessity to do something as quickly as possible concerning clean up  
422 and viability of site planning. I would be happy to meet with the owner to give recommendations  
423 and suggestions to help.

424  
425 *(K. Larcom – Let the Board know that they would need a motion to take action on this property.*  
426 *Included in that dialogue).*

427  
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429



430 **MOTION**

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432 Moved by K. Winters, Seconded S. Callan, “In the matter of 2007-DBSC-001, 800 North Main  
433 Street, that the owner, Mr. Melvin Lewis obtain a registered, licensed architect or  
434 engineer who will provide plans of the complete building (inside and out) and layout of  
435 the site and apply for site planning within sixty days from today. Site will be cleaned up  
436 and all debris and trash removed within thirty days from today. Submit a schedule or  
437 timeline for the clean up, site plan and building plans, finalization of construction and  
438 owner/occupancy and use of the building. In addition, a phase one assessment with  
439 documentation or current evaluation be provided regarding the underground fuel storage  
440 tanks and plans for remediation of same. The property will be secured by the owner in  
441 the interim to prevent unauthorized entry and proof of that will be given to the Fire  
442 Marshall within thirty days. The owner, Mr. Melvin Lewis will return to the Building Board  
443 of Appeals no later than Wednesday, February 12, 2008 for a follow-up hearing regarding  
444 this matter.”

445  
446 **On a Voice Vote – MOTION PASSED – UNANIMOUS**

447  
448 *\*The Board discussed with Mr. Lewis that they were granting the previous motion to allow him to*  
449 *have time to establish a plan of action and opportunities to either come up with a viable plan for*  
450 *the site or to determine that the site is undevelopable, which would give him other recourses.*  
451 *The Board stressed that the site must conform to current building and zoning requirements.*  
452 *They also stated that Mr. Lewis does not need permits to secure the building in the interim, and*  
453 *that this should take place as soon as possible. Mr. Lewis promised that the building would be*  
454 *secured from unauthorized entry within the prescribed time limits.*

455  
456 *Building Official Anthony Savoni stated that Mr. Lewis and his architect will be working in*  
457 *conjunction with him and a Zoning official, Chris Cheng.*

458  
459  
460 **E-2 2007-DBSC-002 - 309 North Seventh Street**

461  
462 Mark Lloyd – Stated that this is an official hearing for Edward L. Green, owner of this property,  
463 to “Show Cause” why this particular dangerous building should not be demolished. There are a  
464 number of reasons why the city is recommending demolition. The front porch has separated  
465 from the main building and the rear porch is rotting and in danger of collapse. The Fire Marshall  
466 notified Planning and Development Services of code violations during a police action at the site.  
467 Planning and Development Services inspectors were denied access to the property to  
468 investigate these violations, and the property became vacant soon after that event. We have  
469 tracked this building since 2004, and there have been occasions when people have used the  
470 property, but investigations show the building has been vacant for most of that time period.

471  
472 There has been no legal occupancy of the building, as water service was off within the last 180  
473 days, which constitutes a dangerous building per city ordinances. The chronology of this  
474 building is from April of 2004 through an extensive list of violations through today. We’re  
475 recommending that since the building has suffered damage due to neglect and lack of utilities,  
476 that the owner provide Planning and Development Services inspection staff access to the  
477 building to evaluate the conditions, or that the owner be ordered to provide a comprehensive  
478 report from a licensed design professional about the conditions of the building, including an  
479 evaluation of the electrical, mechanical and plumbing. Following either of these options, if the  
480 owner agrees to correct all the noted violations within a prescribed time limit that can be  
481 determined by the Board, the situation can be re-evaluated at that time.

482 If the owner fails to comply with any of these directives, we ask that the Board declare the house  
483 to be a nuisance and a dangerous building, pursuant to Chapter 101 of the city code and order  
484 the demolition of the building.

485  
486 Edward L. Green, owner of this property, was present to show cause why no action should be  
487 taken against him or his property. He stated that on January 29, 2007, the city did visit the  
488 house for inspection, but they didn't have the legal right and we refused inspection. We set up a  
489 formal inspection time and the inspector came out. In 2006, my son was taking care of my 92  
490 year old father who lived there. At that time, we noticed a cold draft coming up from the  
491 basement. We discovered that there were about four cinderblocks pushing out of the  
492 foundation. We removed part of the foundation which we discovered was being destroyed by a  
493 root from an oak tree two doors down.

494  
495 The more we removed, the more that gave way. We couldn't tell this initially, but by the time we  
496 were into it, it was evident that the entire wall had to come down. We built the wall back up,  
497 which entailed digging outside. We didn't get a permit as we didn't think we needed one. We  
498 originally thought it was only the four blocks. We dug the hole outside and did the work without  
499 a permit. I knew we needed a permit, but didn't think about it. The inspector came by, the hole  
500 was exposed and the work was already completed. (*Note: \*Photos of site in this condition were*  
501 *presented to the Board*). The inspector told us we needed a permit, so we obtained the permit  
502 which was granted. They said they would come out to inspect the final work, but we received a  
503 letter in the mail stating that the job could not be finalized on inspection as the dirt was not  
504 replaced into the hole. We filled in the hole, and he came to inspect it and stated that we  
505 shouldn't have filled in the hole. We showed him the letter and he said 'ok.' He inspected it, it  
506 was fine, but I had to do some insulation at the top.

507  
508 He had other issues with the house which were: When I put the wall in, the grade was incorrect,  
509 the dirt was toward the house, and he said it had to slope away from the house. The smoke  
510 detectors were in the wrong place. They were in the kitchen and he stated they needed to be in  
511 the foyer as you walk in the door. Between the house and the porch, there was a huge crack  
512 and he said I had to fill that in. He stated I should install electrical outlets and switch covers.  
513 There are two things I didn't do. There is a temporary column that I placed in the middle of the  
514 porch. I wanted to put it in so that it looked more uniform. He stated that this would have to  
515 look like the existing posts, or I would have to remove it, so I removed it. He also said I had to  
516 insulate between the basement and the first floor. He came back for the final inspection and  
517 stated the last two things were now ok, and everything else was ok. (Mr. Green also stated that  
518 he is physically disabled and unable to do a lot of work). He also asked what the city needs to  
519 clarify what else he needs to do to satisfy their regulations.

520  
521 J. Ellis – Inspections Supervisor – The history on this property shows that there have been  
522 several concerns over the last few years. Mr. Green alluded to the fact that the inspector went  
523 through and looked at some of the permitted work, and this is true; however, our concern was  
524 that the house has been vacant for some period of time and the utilities have been off for some  
525 period of time. Our main concern (as I indicated in my report) was that during a police action at  
526 this building, the Fire Marshal had access to this building, and he then reported back to us that  
527 there were several violations on this property. We went out to inspect the building and were  
528 denied access. We have not had an opportunity to assess what those violations are. As a part  
529 of this petition, at a minimum, we need to be allowed to inspect this building to see what those  
530 problems are. In addition, this building has been vacant for an extended period of time. We  
531 don't know what the issues are with the structure and would like an opportunity to look at this  
532 building.

533

534 K. Chamberlain – Ron Heemstra, the previous Fire Marshall is the person that dealt with this  
535 problem. What I have witnessed since my involvement is concerns with security and access  
536 issues with the vacant structure.

537  
538 **Public Commentary** (Note: Full text of public commentary submitted by neighbors in absentia  
539 are on file with the Boards of Appeal)

540  
541 **Greg Shadler – Neighbor** – (Asked that the following letters from other neighbors be read into  
542 the record).

543  
544 1. **Letter from the Klein/Edwards/Sommer Family:**

545  
546 I am a neighbor of 309 N. Seventh Street and have lived in the neighborhood for 13 years.  
547 When I first moved into this neighborhood, the elderly Green's keeping everything in fine order.  
548 After the death of Mrs. Green and subsequent moving out of most of the family members who  
549 resided there when I moved in, there has been a steady decline in the care and condition of the  
550 property. The family members who have lived there off and on for the past eight years have not  
551 maintained the house or yards. In fact, for almost a year, a family member lived there with no  
552 running water, heat or electricity. Two years ago, a family member moved in and made an  
553 attempt to start fixing up things inside and eventually brought the elderly Mr. Green back to live  
554 with him. After the elder Mr. Green's death, however, things changed again.

555  
556 Last year, the Police Department, in full gear, raided this home on a school day afternoon. This  
557 was a deep concern for me, since I have school aged children walking to my home. My  
558 understanding that drugs were found in this raid is also a concern for me. Since that time, the  
559 house has remained essentially empty. Judging from how much mail accumulates, I would say  
560 that it is unoccupied for most of the time.

561  
562 I do have a problem with the safety issue of an abandoned home - the obvious drug activity and  
563 decline of the property values because of this. Considering the house is in close proximity to an  
564 elementary school, public park, middle school, daycare homes, playgrounds and walking routes  
565 of all aged school children, the city needs to decide that the risk of the illegal activity are enough  
566 to take action.

567  
568 2. **Letter from Patricia Mares Miller, 903 Willow Street, Ann Arbor, MI**

569  
570 This is a sad day when it is necessary to ask a government board to tear down a neighbor's  
571 house, but this is the day. When we became neighbors 24 years ago, the property at 309 was  
572 cared for. There was a garden in the back and the house was cared for. Through the  
573 subsequent years, the house and yard have steadily declined. At one point, 'Christmas in April'  
574 repaired the exterior and interior of the house when the elder Mr. Green (now deceased) lived  
575 there. As the years passed, the people who lived in the house cared minimally for the house  
576 and yard. Now, instead of a garden, the yard is filled with trash and the house further  
577 deteriorates. Most of the exterior was recently painted, but this is a façade. I understand family  
578 ties to a home, but families also have a responsibility to their neighbors.

579  
580 3. **Letter from Ava and Walter Butzu, 224 N. Seventh Street, Ann Arbor, MI**

581  
582 We have lived kitty corner from this property since 1994 and have called the city at least a  
583 dozen times regarding its disrepair and questionable activity we have observed. The rapidly  
584 declining maintenance of the house – dilapidation and needed repairs.

585  
586 We are concerned for the safety of our neighborhood. We have called the city and spoke to a  
587 detective two years ago about the suspicious activity within the home and the nearby park;

588 specifically, numerous cars would park and remain running while people cycled in and out of the  
589 house in a matter of minutes, continuing all day and well after 2:00 a.m. The house is  
590 seemingly uninhabited, with little furniture inside, yet the activity in the house was bustling.

591  
592 Additionally, there was an incident on July 4, 2006 after midnight when we called the police due  
593 to fireworks and loud, drunken cursing on the easement along Seventh Street in front of the  
594 property. They ignored my pleas to cease and continued this disruption until the police did  
595 arrive. They left all of their debris in the park which we cleaned up the following day. In short,  
596 we have a thirteen year history of reporting activity and disrepair regarding this property. We  
597 hope that our neighborhood can be a safe place in which its residents comply with the standards  
598 and codes of the community that are the benchmarks of Ann Arbor.

600 4. Greg Schadler, 301 N. Seventh Street, Ann Arbor, MI – (In person)

601  
602 We moved in in 2004 and told the home next to us would be fixed up. Since that time, we have  
603 seen very little action. Mr. Green has even contacted us for assistance during the foundation  
604 repair. We allowed him to store dirt in our driveway and were more than willing to accommodate  
605 him to help with his repairs. After that, it was left open (the exterior hole) for a considerable  
606 amount of time. The backyard is in complete disrepair; there is garbage in the yard and a  
607 garage that is ready to collapse. There is an abandoned car in the drive that has not moved in  
608 the three years that I've lived next door. As far as not maintaining the property, I was deployed  
609 for over a year and in the interim, we attempted some repairs on our home that did not meet  
610 code. I flew home, corrected the problem and it was fixed within three days. You have an  
611 obligation to take care of your home.

612  
613 My biggest concern is animals crawling in and out of the house, the backyard is a haven for  
614 skunks, etc. We would like this home brought up to code in a short period of time or  
615 demolished. The occupancy of the house and the drug issues are of concern. The person  
616 charged with those crimes was convicted of drug dealing. Mr. Schadler offered to answer  
617 questions regarding this property.

618  
619 5. Corey and Yvette Snavely,

620  
621 My wife and I took time to get off work and come in and express our concerns. Our house is  
622 around the corner, but our backyard partially adjoins this home. We echo most of what was said  
623 by the previous speaker and other neighbors. The backyard is overgrown and a large  
624 groundhog is living there. A messy backyard alone was not enough alone for me to be a bad  
625 neighbor, but this has been a continuing problem. There was a massive clean-up of the area  
626 but it hasn't been consistent. The previous summer, there were trees growing up the fence,  
627 leaning over my garage. I left a note on the door asking if I could pay for removal of the trees,  
628 but got no response. As to the police action that has been referenced, my overall feeling is that  
629 implies something about the situation of the house, and makes a statement as to when and if  
630 the building will be improved.

631  
632 K. Winters – (Asked the Board if they had any questions for the public who have spoken  
633 regarding this matter).

634  
635 (K. Winters to Owner) - My first question is - Is the building presently occupied? (No. I will have  
636 to move in by January 12<sup>th</sup>, 2008). Are the utilities on in this home? (The utilities have been on  
637 since this last October. I had my son living there so that no vandalism would take place. He  
638 moved out at the beginning of December and comes out to check on it once per week. The  
639 house was vacant for most of 2005. My father passed away in February 2006. My son  
640 continued to live there and was convicted of having a bag of weed in the house. There is not a  
641 family of drug dealers in the house. They said the same thing when my parents lived there.

642 There is a new roof on the back porch and the front porch. The windows have not been  
643 replaced, but we don't have the funds to do so. We cleaned up the back yard last summer. It  
644 still has wood from the 2 x 4's and paint cans that we used during the foundation repairs. There  
645 is a tree over the garage that fell down, but our garage is not in disrepair. They put a note on  
646 the car in the drive that it had to be moved, my son started the car, moved it, and that was it.)  
647

648 R. Hart – The city is basically asking us to declare this home a nuisance and have it  
649 demolished, or to have you allow them to come in and inspect the building or get you to give  
650 them a comprehensive report from a design professional about the condition of the building. Do  
651 you have a problem with that? (Owner – I don't have a problem with that – it's already been  
652 done. The city inspected the home). What is the date of that inspection? (*Administrative  
653 Support stated the records show March 29, 2007*). You're planning to move in by January 12<sup>th</sup>?  
654 (Yes). So, by that time the house has to be declared 'habitable.' (It's habitable now. The  
655 neighbors have stated things that are just not true and this has an influence on the Board). Not  
656 as much as you might think, but it looks like it's pretty clear here, that you demonstrate to the  
657 city that this home is up to code and habitable or that they be allowed to come in and determine  
658 that it's up to code and habitable. That is not an unreasonable request. (I don't deny that, if  
659 they want to inspect it again, they can).  
660

661 S. Callan – They inspected previously, but it sounds as if there are still some deficiencies.  
662

663 R. Reik – You were to supply the city with an engineering report, and no report was ever  
664 received. (No. I was not required to provide an engineering report. When Mr. Whiting  
665 (inspector) came in, he left me a list of things that I have to do. I have done those things except  
666 for the insulation and the temporary support on the porch and the smoke detectors relocated  
667 and functioning as well as the grading corrected and basement tuck pointing of the foundation  
668 completed. I only denied the city entrance to the home one time).  
669

670 K. Winters – Then you shouldn't have a problem with either letting the city revisit this, or get an  
671 architect or building inspector to do a comprehensive inspection within the next 30 days.  
672 (*Owner asked for 60 days, but was told by Mr. Winters that since Mr. Green planned to occupy  
673 the home by January 12<sup>th</sup>, the building has to be inspected within 30 days*).  
674

675 **MOTION**  
676

677 **Moved by K. Winters, Seconded by S. Callan, “That Mr. Green allow and schedule a**  
678 **comprehensive inspection by a city building inspector and/or a licensed private building**  
679 **inspector to inspect all Building, Mechanical, Electrical and Plumbing systems to certify**  
680 **that the home at 309 N. Seventh Street meets all city code and is ‘habitable.’**  
681

682 **Inspection of premises by the city and/or comprehensive report from a private licensed**  
683 **building inspector are to be done within 10 business days from today, All repairs to the**  
684 **home are to be completed within 30 days from today. ALL REPAIRS and CLEANUP are**  
685 **to be done prior to move in or occupation of these premises and no later than thirty days**  
686 **from today (12/12/07).”**  
687

688 **On a Voice Vote – MOTION PASSED – UNANIMOUS**  
689

690 **\*Note: S. Callan departs the meeting due to prior commitments. The Board still remains**  
691 **a quorum.**  
692  
693  
694  
695

696  
697  
698 **Jack Epstein of Flint Group, owner of this property, is being requested to “Show Cause”**  
699 **why he has not complied with the “Notice of Dangerous Building and Order to Take**  
700 **Corrective Action.”**

701  
702 Mr. Epstein was not present but is being represented by Mr. Carl Hueter. Mr. Hueter submitted  
703 a registered copy of an evaluation done on the subject property. He stated that he is an agent  
704 of Jack Epstein and Ava Kaufman, owners of the property in question. He stated that they  
705 hoped that the city could work with them to avoid condemnation as they work through  
706 alternatives to put the property to a compliant use. He apologized for the time it has taken to  
707 develop these alternatives.

708  
709 The property was last used in commercial use as an automobile gas station on a small 4,862  
710 square foot C2 zoned parcel at the triangular intersection of North Division and Detroit Street.  
711 Due to the unique practical difficulties such as the small useable square footage of the lot,  
712 current zoning setbacks and the grade differential from the sidewalk to the property and the fuel  
713 tank remediation that caused the paved surface of the site to be altered, it has caused a  
714 practical difficulty and hardship in finding a suitable tenant to rent the building. (See written  
715 submissions for full text).

716  
717 Mr. Hueter stated that the building on the site is currently boarded up, structurally sound, has a  
718 new roof, but does require upgrading before occupancy can be allowed. Due to the size of the  
719 site and limited access to vehicular traffic, they require a very specific clientele to lease it.

720  
721 To address the city’s concern for security, the Ann Arbor Real Estate Company (AAREC) is the  
722 property manager and on the rare instances when the building has been broken into, they have  
723 come out to the site immediate and secured the property. The same applied to instances of  
724 graffiti as these are repeatedly eliminated. The second concern is about on site parking. The  
725 property owner also owns the adjacent 540 Detroit street complex – a multi-family rental unit.  
726 These tenants have been granted privileges for using 544 Detroit Street for off street parking.  
727 They proposed that the two vehicles currently granted this privilege be ‘tagged’ and identified as  
728 tenant approved parking so that any other illegal parking can easily be discerned and  
729 enforcement done to remove unauthorized vehicles and offered to enter into a towing contract at  
730 our expense to assist in timely enforcement.

731  
732 The property owners believe that the city is unaware of activities taken to date to bring the  
733 property into conforming use. The following actions have been, or will be taken as they mature.

- 734  
735 1. Explore the possible sale of the property.  
736  
737 a. Maintain the property and building as is, until sale – ongoing.  
738 b. Obtain a current commercial property appraisal – 4 weeks.  
739 c. List the property for sale (currently listed for rental only) – following appraisal.  
740  
741 2. Explore redevelopment of the site.  
742  
743 a. Complete ongoing negotiations with developer – 1 month.  
744 b. Upon signing development agreement, immediately begin the planning process –  
745 10 to 14 months.  
746 c. Site improvements and new construction – 6 months. Total time to occupancy –  
747 17 to 21 months.  
748  
749

750 3. Restore the existing structure to rent.

- 751
- 752 a. This will require a site plan submission to the city of Ann Arbor Planning
- 753 Commission:
- 754
- 755 1. Engage a civil engineering firm to document existing site conditions – 2
  - 756 months.
  - 757 2. Meet with city planning staff to determine proper compliance with current
  - 758 ordinances – 2 months.
  - 759 3. Obtain necessary ZBA variance approvals due to extreme non-conforming
  - 760 nature of site – 3 months.
  - 761 4. Create appropriate site plan submission, submit and follow through to
  - 762 approvals; based on most recent small similar issue run through city recently
  - 763 – 9 to 12 months.
  - 764
- 765 b. With an approved site plan, renovation plans will be submitted to the city building
- 766 department for permits – 1 month.
- 767 c. With approved permit documents, site improvements and building repairs will
- 768 proceed – 6 months.
- 769

770 Mr. Hueter stated that because they can maintain the property in a safe and secure condition

771 until it is returned to profitable and conforming use, they would ask for leniency and a stay of

772 condemnation for time to return this site to its potential.

773

774 J. Ellis – Of the three petitions put before us today, this one is the least ‘troublesome.’ We

775 agree with Mr. Hueter, that it has several problems. If the building were razed, it would be

776 challenging to use the site. No one has any vested interest in maintaining the property. Mr.

777 Hueter did call and state he had been retained by the owner to provide some scenarios as to

778 how this might proceed. – However, the ordinance states that any property left vacant for more

779 than 180 days, and/or up for rent/lease, must be addressed.

780

781 K. Larcom – Stated that she had confirmed that the unit is for rent/lease.

782

783 R. Hart – Is this is mute point since it’s for rent? (Kristen – Per se, dangerous if it has actual

784 ‘building’ conditions (which it does) that need to be addressed).

785

786 K. Winters – Can the city inspect a building and ask the owner to upgrade and/or secure a

787 building? (Hueter – Asked for a list of deficiencies. It’s basically 15 years of non-use). If there

788 are mandates to ‘fill in holes around soffits,’etc.,’ then we would do that.

789

790 K. Winters – Suggests that this be done. (Hueter – Parking – Suggested permits be issued (Per

791 his written submission). The property is not zoned as a parking lot. Otherwise, you would have

792 to site plan it for a parking lot. (K. Winters – Is that allowed? J. Ellis stated that is not allowed).

793

794 Hueter – We’re trying to take cars off the street in Kerry town – or we can chain the driveway so

795 no one can park there and and/or pay the expense of towing unauthorized cars.

796

797 K. Winters - No parking is allowed due to zoning constraints – Make inspection and list of

798 repairs given to owner. I have a length of time - 23 or 24 months to put something else there?

799 Whatever happened to the site plan when they were putting up another plan?

800

803 Hueter – Stated this information was included in the packet he submitted (PIE SHAPED  
804 DIAGRAM) – All would need variances – site is non-conforming). Graffiti is gone – A2 Realty  
805 states they have painted the building. We can ask that A2 Realty go by and look at this  
806 monthly.

807  
808 R. Hart – If we refer to the International Property Maintenance Code, we can take four sections  
809 from this which prescribe property maintenance and help to preserve the intent that the building  
810 is kept up without having to revisit this every month.

811  
812 The Board discussed the information provided by the owners’ agent and proposed the following:  
813

814  
815 **MOTION**

816  
817 Moved by K. Winters, Seconded by R. Hart, “**That the city building inspections department**  
818 **will coordinate with the owners representative, Mr. Carl Hueter to do an initial inspection**  
819 **of this property and submit a remediation plan within ten days from today’s date and a**  
820 **plan of action within 30 days. The submitted plan will include the following information**  
821 **take from the International Property Maintenance Code:**

- 822 a. **Property will be kept in a clean safe sanitary condition.**
- 823 b. **Sidewalks and drives will be in proper repair.**
- 824 c. **Property will be kept free from weeds and other plant growth and vermin.**
- 825 d. **Accessory structures will be kept in good repair.**
- 826 e. **Structure – Post a Street Number/address.**
- 827 f. **Eliminate Parking on site.**
- 828 g. **Property MUST remain listed for sale or lease.**
- 829 h. **Structure – walls, roof, structure adequate.**
- 830 i. **Overhang extensions will remain in good repair. Wood and metal will be**  
831 **protected from the elements.**

832  
833  
834  
835 **On a Voice Vote – MOTION PASSED - *UNANIMOUS***

- 836  
837  
838 **F. REPORTS & COMMUNICATIONS – None.**
- 839  
840 **G. AUDIENCE PARTICIPATION – GENERAL – None.**

841  
842 **ADJOURNMENT**

843  
844 Moved by K. Winters, Seconded by R. Reik, “**that the meeting be adjourned.**”

845  
846 *(Meeting adjourned at 4:40 p.m.) Minutes prepared by B. Acquaviva, Administrative*  
847 *Support Specialist V*