

<p style="text-align: center;">CITY OF ANNARBOR BUILDING BOARD OF APPEALS</p>	<p style="text-align: center;">DECISION AND ORDER TO KATHLEEN L. HUSTER REGARDING DANGEROUS BUILDING</p>	<p style="text-align: center;">SHOW CAUSE NO: BBA 16-016</p>
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TO KATHLEEN L. HUSTER:

THIS ORDER IS ISSUED IN THE MATTER OF THE SHOW CAUSE HEARING HELD ON SEPTEMBER 8, 2016, CONCERNING THE BUILDING ON THE PROPERTY AT 706 SOUTH SEVENTH STREET, ANN ARBOR, MICHIGAN, (“THE BUILDING”) OWNED BY YOU, TO DETERMINE WHY THE BUILDING SHOULD NOT BE DEMOLISHED. A COPY OF THE PROPERTY’S LEGAL DESCRIPTION IS ATTACHED TO THIS DECISION AND ORDER.

Hearing Officers present at the Show Cause Hearing were Building Board of Appeals members Chair Kenneth J. Winters, Paul Darling, Robert Hart, and Gordon Berry.

Presenting evidence and testimony on behalf of City staff was Building Official Peter Pace.

The owner did not appear at the hearing and no one else was present at the hearing to speak on behalf of Kathleen L. Huster.

Having held the Show Cause Hearing in this matter, based on the evidence and testimony presented at the hearing, the Building Board of Appeals finds that the Building is a dangerous building as defined in Chapter 101 of the Ann Arbor Code of Ordinances and orders it demolished, pursuant to the following motion and findings adopted by the Building Board of Appeals at the hearing:

Moved by Robert Hart, That in the case of the Show Cause hearing for BBA-16-016, concerning the Building at 706 South Seventh Street, Ann Arbor, Michigan, the Building Board of Appeals finds that the Building is a dangerous building as defined in Section 8:382 of Chapter 101 of the Ann Arbor City Code and orders that the owner shall cause the Building to be demolished or to be otherwise made safe. The owner shall commence the necessary work by September 30, 2016 and shall complete the work by October 13, 2016. If the owner fails to comply with this Order then the City will cause the building to be demolished.

THIS ORDER IS BASED ON THE FOLLOWING FINDINGS:

- **The Building has been unoccupied for 180 days or more without being listed for sale or lease.**
- **The house has been vacant for apparently up to three years.**
- **The house is deteriorating.**
- **The house is full of clutter.**
- **The front porch is overgrown with ivy and deteriorating.**
- **Extensive overgrowth elsewhere on the property is an increased danger as an attractive nuisance.**
- **There are no active utilities to keep the house conditioned.**
- **An abandoned vehicle overgrown with ivy is also on the property.**

The motion was seconded by Paul Darling.

On a Voice Vote – MOTION PASSED – UNANIMOUS

FOR THIS REASON, THE BUILDING BOARD OF APPEALS ORDERS THAT you (Kathleen L. Huster) shall **DEMOLISH OR OTHERWISE MAKE SAFE** the Building on the property at 706 South Seventh Street, Ann Arbor, Michigan.

THE BUILDING BOARD OF APPEALS FURTHER ORDERS THAT the work necessary to satisfy the requirements of this Order be **commenced by September 30, 2016**, and be **completed by October 13, 2016**, and if you fail to comply with this Order, the City will cause the Building to be demolished.

27 SEPT 2016
Date


Kenneth Winters, Chairperson
Building Board of Appeals

You have limited rights to appeal the decision and order of the Building Board of Appeals. See Ann Arbor Code Sections 8:388, 8:387(6).

**ATTACHMENT TO DECISION AND ORDER TO KATHLEEN L. HUSTER
BBA 16-016**

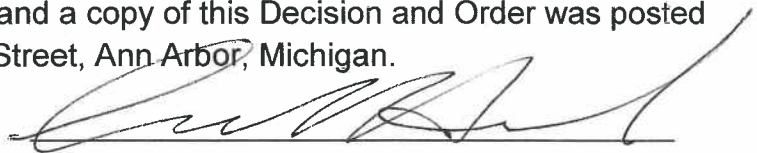
LEGAL DESCRIPTION

**N 45 FT OF S 58 FT OF E 132 FT LOT 18 THOMPSON SPOOR AND THOMPSON
ADDITION**

Tax Parcel ID #: 09-09-29-324-019

Commonly known as: 706 SOUTH SEVENTH STREET, ANN ARBOR, MICHIGAN

I hereby certify that on September 28, 2016, I sent a copy of this Decision and Order by certified mail and first class mail, postage prepaid, to Kathleen L. Huster, at 706 South Seventh Street, Ann Arbor, MI 48103, and a copy of this Decision and Order was posted on the Building at 706 South Seventh Street, Ann Arbor, Michigan.

A handwritten signature in black ink, appearing to be "C. M. H.", is written over a horizontal line.

ANN ARBOR BUILDING BOARD OF APPEALS

BUILDING OFFICIAL'S STAFF REPORT

Show Cause Hearing for Dangerous Building at 706 South Seventh St, Ann Arbor, MI 48103 (Parcel Identification Number: 09-09-29-324-019).

DESCRIPTION AND DISCUSSION

Kathleen L. Huster
2004 Pauline Blvd #1A
Ann Arbor, MI 48103

The building is a dangerous building.

An inspection was conducted by staff on June 28, 2016. Based on the inspection the Building Official determined that the building is a dangerous building as defined in Section 8:382 of Chapter 101 of the Ann Arbor City Code.

A Notice and Order was sent on July 22, 2016 to the owner and other interested parties stating that the Building Official has found the building is a dangerous building and orders the owner to demolish or otherwise make safe by August 1, 2016.

An Order to Show Cause was sent on August 19, 2016 to the owner and interested parties to appear before the Building Board of Appeals to explain the owner's position in the matter.

STAFF FINDINGS

Upon initial inspection the Building Official determined that the building that is the subject of this show cause hearing is a dangerous building based on conditions that are included, but are not limited to, the following:

- Building has been unoccupied for 180 days or more without being listed for sale or lease.
- House is deteriorating.
- House appears full of clutter.
- Front porch is overgrown with ivy.
- Extensive overgrowth elsewhere on property increasing danger as an attractive nuisance.
- No utilities.
- Abandoned vehicle overgrown with ivy.

Applicable sections of dangerous building ordinance, include, but are not limited to:

(3) A part of the building or structure is likely to fall, become detached or dislodged, or collapse and injure persons or damage property.

(5) The building or structure or any part, that because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for other reason is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fall or give way.

(6) The building or structure or any part is manifestly unsafe for the purpose for which it is used.

(7) A building or structure is damaged by fire, wind, or flood, or is dilapidated or deteriorated and becomes an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful or immoral act.

(8) A building or structure used or intended to be used for dwelling purposes, because of dilapidation, decay, damage, faulty construction or arrangement, or for other reason, is unsanitary or unfit for human habitation, is in a condition that is likely to cause sickness or disease when so determined by the health officer of the city or county or is likely to injure the health, safety or general welfare of those living within.

(9) A building or structure is vacant, dilapidated and open at door or window, leaving the interior of the building or structure exposed to the elements or accessible to entrance by trespassers.

(10) A building or structure remains unoccupied for a period of 180 consecutive days or longer, and is not listed as being available for sale, lease, or rent with a real estate broker licensed under the state occupational code. For purposes of this subsection, "building or structure" includes, but is not limited to, residential and commercial buildings or structures. This subsection does not apply to any of the following buildings or structures, provided that the building or structure and adjoining grounds are maintained free from graffiti as defined in Chapter 106 (Nuisances) and in accordance with the City's Housing and Construction Codes and all other applicable ordinances and statutes:

STAFF RECOMMENDATION

Staff recommends that the Building Board of Appeals find the building on the property at **706 South Seventh St** to be a dangerous building as defined in Section 8:382 of Chapter 101 of the Ann Arbor City Code and orders the owner(s) to make the necessary repairs to bring the property in compliance with local code ordinances and/or demolish or sell the property on or before a date to be specified in the order that the Building Official will recommend at the show cause hearing.

PROPOSED MOTION

I move that in the case of the Show Cause hearing for BBA Case # _____, concerning the Building at _____, Ann Arbor, Michigan, the Building Board of Appeals finds that the building[s] is [are] dangerous building[s] as defined in Section 8:382 of

Chapter 101 of the Ann Arbor City Code and orders that the owner shall cause the building to be demolished or be otherwise made safe. The owner shall commence the necessary work by _____, 2016 and shall complete the work by _____, 2016. If the owner fails to comply with this Order then the City may cause the Building to be demolished.

THIS ORDER IS BASED ON THE FOLLOWING FINDINGS:

Respectfully,

Peter Pace
Assistant Building Official

Date: _____



706 S 7th 6-9-2016









09/29/2016 14:10:45



09/29/2016 14:10:47



09/29/2016 14:10:06



09/29/2016 14:10:16





CITY OF ANN ARBOR, MICHIGAN

Community Services Area
Planning & Development Services Unit
301 E. Huron St, P.O. Box 8647,
Ann Arbor, Michigan 48107-8647
Phone: (734) 794-6264
Fax: (734) 994-8460

October 27, 2016

Kathleen Huster
2004 Pauline #1A
Ann Arbor, MI 48103

Re: 706 South Seventh Street, Ann Arbor, Michigan, 48103
Parcel Identification Number ("PIN"): 09-09-29-324-019

Dear Ms. Huster:

Please consider this as a notice to attend the Ann Arbor Building Board of Appeals meeting for your Continuation hearing. You will have the opportunity to address the Board.

This meeting will take place on Thursday, November 10, 2016 at 1:30 PM on the 2nd floor of City Hall in the Council Chambers.

If you are planning to support your hearing with additional information or evidence, please submit your information to the City Building Department staff either by email at ahoward@a2gov.org or in person no later than the Friday before the meeting to allow time for distribution to the Board members

Sincerely,

Peter Pace
Assistant Building Official



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

August 29, 2016

Kathleen L. Huster
2004 Pauline #1A
Ann Arbor, MI48103

Re: 706 South Seventh Street, Ann Arbor, Michigan
Parcel Identification Number ("PIN"): 09-09-29-324-019

Dear Ms. Huster:

Please consider this as a reminder to attend the Ann Arbor Building Board of Appeals meeting for your Dangerous Building Notice and Order for the conditions at 706 South Seventh Street.

The meeting will take place on Thursday, September 8, 2016 at 1:30PM on the 2nd floor of City Hall in the Council Chambers. Please bring materials and interested parties to the meeting if needed.

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
ppace@a2gov.org
734-794-6000 ext. 42660

DANGEROUS BUILDING ORDER TO SHOW CAUSE ON SEPTEMBER 8, 2016 at 1:30 p.m

August 19, 2016

BY CERTIFIED MAIL, FIRST CLASS MAIL, & POSTING

Kathleen L. Huster
706 S Seventh St
Ann Arbor, MI 48103

Re: 706 S. Seventh St, Ann Arbor, Michigan 48103
Parcel Identification Number: 09-09-29-324-019

Dear Ms. Huster:

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 **September 8, 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:

**N 45 FT OF S 58 FT OF E 132 FT LOT 18 THOMPSON SPOOR AND THOMPSON
ADDITION**

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,



Peter Pace, Building Official
City of Ann Arbor Construction Services
ppace@a2gov.org
734-794-6000 ext. 42660

Enclosures (Dangerous Building Notice & Order)

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

Kathleen L. Huster
204 Pauline #1A
Ann Arbor, MI 48103

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
ppace@a2gov.org
734-794-6000 ext. 42660

DANGEROUS BUILDING NOTICE AND ORDER

July 22, 2016

BY CERTIFIED MAIL, FIRST CLASS MAIL, & POSTING

Kathleen L. Huster
706 S Seventh St
Ann Arbor, MI 48103

Re: 706 S. Seventh St, Ann Arbor, Michigan 48103
Parcel Identification Number: 09-09-29-324-019

Dear Ms. Huster:

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:

**N 45 FT OF S 58 FT OF E 132 FT LOT 18 THOMPSON SPOOR AND THOMPSON
ADDITION**

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, 5, 6, 7, 8, and 10. A copy of Chapter 101 is enclosed. Specific defects that render the building dangerous include, but are not limited to, the following:

- **Building has been unoccupied for 180 days or more without being listed for sale or lease.**
- **House is deteriorating.**
- **House appears full of clutter.**
- **Front porch is overgrown with ivy and extensive overgrowth elsewhere on property increasing danger as an attractive nuisance.**
- **No utilities.**

- **See enclosed photos.**

It is requested that you contact the Building Official by the end of the business day on **August 3, 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,

A handwritten signature in black ink, appearing to read "Peter Pace". The signature is fluid and cursive, with the first and last names being the most prominent.

Peter Pace, Building Official
City of Ann Arbor Construction Services
ppace@a2gov.org
734-794-6000 ext. 42660

Enclosure (Dangerous Buildings Ordinance; **photos**)

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