



## City of Ann Arbor

### Meeting Minutes

#### BUILDING BOARD OF APPEALS

---

THURSDAY, DECEMBER 19, 2013

9:30 AM EST

City Hall, 301 E. Huron, 2<sup>nd</sup> Fl., Council Chambers

---

#### A. CALL TO ORDER

Chair Ken Winters called the meeting to order at 9:40 a.m.

#### B. ROLL CALL

Chair Ken Winters called the roll.

Present: 4 – Ken Winters, Paul Darling, Robert Hart and Sam Callan

Absent: – None.

#### C. APPROVAL OF AGENDA

There was an amendment to the agenda by Ralph Welton to include 2434 Pinecrest. A motion to approve the agenda was made by Board Member Ken Winters, seconded by Board Member Sam Callan, that the agenda be approved. On a voice vote, the Chair declared the motion carried with the addition of 2434 Pinecrest.

#### D. APPEALS & ACTION – SHOW CAUSE HEARING

**D-1 BBA13-0005 1620 Waltham Road, Ann Arbor, MI 48103.**  
**Lot 367, Vernon Downs No 4.** Ann Arbor City Code, Section 8:382 of Chapter 101, specific defects that render the building dangerous. Owner ordered to show cause why the building should not be made safe or demolished.

## SHOW CAUSE HEARING

### PRESENTATION BY STAFF

Building Official Ralph Welton referenced the staff report in the package and stated that the house appears to have been abandoned after a foreclosure and divorce. There has been no success contacting the bank or the homeowners. Welton stated that the envelope of the house is in disrepair. Extreme overgrowth of vegetation surrounds the house which makes it an attractive nuisance. There also appears to be interior water damage from roof penetrations and the house is unsecured with broken windows and an unlocked doorwall. Staff recommended demolition. Board Member Robert Hart asked if there are any other options. Welton said that Habitat for Humanity is interested but the City of Ann Arbor does not own the house, the bank does. Callan and Winters expressed interest in what could be done for now. Board Member Paul Darling asked if the house was a "nuisance" or in state of collapse. Welton stated that this house was in a nuisance condition.

**A motion was made by Hart, and seconded by Callan, that in the case of the Show Cause hearing for BBA13-0005 concerning the Building at 1620 Waltham Road, Ann Arbor, MI 48103, owned by Chase Bank, that the Building Board of Appeals finds that the building is a dangerous building as defined by Chapter 101 of the Ann Arbor City Ordinance. The motion is made for postponing a decision until February 13, 2014, and that the City will be responsible for securing the house and roof until then and continue to try and contact the owners before further action is taken.**

**On a voice vote, the Chair declared the motion carried.**

**D-2 BBA13-0006 2365 Pinecrest Ave, Ann Arbor, MI 48104.**

**L0t 67, PITTSFIELD PARK NO 4.** Ann Arbor City Code, Section 8:382 of Chapter 101, specific defects that render the building dangerous. Owner ordered to show cause why the building should not be made safe or demolished.

### STAFF PRESENTATION

Building Official Ralph Welton referenced the Staff Report in the package and stated that this house has been vacant for at least three years. A previous owner contacted Welton and stated that he had redeemed the house from the bank and was prepared to rehabilitate the house. He was not in attendance at this meeting. The house has been open to intrusion for several years. Welton was told by neighbors that there is a substantial amount of mold and drywall damage in the house. Staff could not corroborate claims of ownership or intent to repair. Welton said that it qualified for sections 2, 3, 8 and 9 of the City of Ann Arbor Dangerous

Buildings. The bank had previously utilized a management company to handle complaints, but that entity had not been responsive in the past six months. According to records, this property also has a lien against the title from the IRS. Winters asked if this was declared a dangerous building, how long would the owner have to contact the City? Welton stated that the target date on all these properties was January 10, 2014.

**A motion was made by Darling, seconded by Callan, that in the case of the Show Cause hearing for BBA13-006 concerning the building at 2365 Pinecrest Ave., Ann Arbor, MI 48104, owned by LaSalle Bank National Association, that the Building Board of Appeals finds the building to be a dangerous building as defined by Chapter 101 of the Ann Arbor City Ordinance. That the owner shall commence by January 10, 2014 to obtain the necessary permits and complete work within 60 days. This was based on the current condition of the building: weather exposure has caused structural damage, mold, drywall damage.**

**On a voice vote, the Chair declared the motion carried.**

**D-3BBA13-0007 836 Brookwood Place, Ann Arbor, MI 48104.**  
**Lot 14, ASSESOR'S PLAT NO 13.** Ann Arbor City Code, Section 8:382 of Chapter 101, specific defects that render the building dangerous. Owner ordered to show cause why the building should not be made safe or demolished.

#### STAFF PRESENTATION

Building Official Ralph Welton referenced the Staff report in the package and stated that 836 Brookwood Place has been vacant for more than five years. The structure has a compromised envelope including: broken window panes, missing and damage siding, collapsing three season room in the rear, disintegrated front porch and foundation and a roof with penetrations leading to water damage. Welton stated that this was not a simple repair project, registered contractors would be required. The owner, Mr. Gordon Larsen was present to represent his house. Darling asked what a reasonable time frame would be for repairs. Welton suggested January 10, 2014. A permit is active for six months, although Welton said that he can rescind the permit if there is no progress. Repairs could be made to the siding, roof, windows and sun porch within two months, he added. The porch and basement should commence in the spring of 2014. Winters would like to have the building safe and secure by January 10, 2014. The owner must provide the City with engineered drawings and a plan of action within 60 days and for the work to be completed within 180 days. Welton suggested that the determination could be made at the February 13, 2014 meeting.

**A motion was made by Hart, and seconded by Callan, that in the case of the Show Cause hearing for BBA13-0007 concerning the Building at 836 Brookwood Place, Ann Arbor, MI 48104, owned by**

**Gordon Larsen, the Building Board of Appeals finds that the building is a dangerous building as defined by Chapter 101 of the Ann Arbor City Ordinance. The motion is made for postponing a decision until February 13, 2014. That the owner shall commence by January 10, 2014 to obtain the necessary permits to secure the building. This is based on the findings that the current conditions exist with the building: broken window panes, penetrations in roof and damaged siding.**

**On a voice vote, the Chair declared the motion carried.**

**D-4 BBA13-0008 800 North Main, Ann Arbor, MI 48104, Lot 2 BLK 5 MAP OF ORMSBY AND PAGE ADDITION** Ann Arbor City Code, Section 8:382 of Chapter 101, specific defects that render the building dangerous. Owner ordered to show cause why the building should not be made safe or demolished.

#### STAFF PRESENTATION

Owner of the property at 800 North Main, Reverend Melvin Lewis, was present to speak. Lewis stated that the property was originally obtained to open an ice cream parlor. He stated that he hired licensed contractors to obtain permits to repair the building, but were denied. Lewis stated that he does not understand why there has been so much resistance to "this little building". Jeff Ellis, former Building Official with the City of Ann Arbor, also spoke. He is the owner of a neighboring property, 105 East Summit. He stated that he would like this structure removed, submitting that this building has been a nuisance for decades. He provided staff with code violations and documentation from the Fire Department, he encouraged the board to take action. Lewis has never provided a soil test, but states that there was a study done by Washtenaw County in regards to the environmental impact of the five underground fuel tanks at the site. He said that the State Fire Marshall told him the fuel tanks were undisturbed and filled with sand many years ago. Welton stated that documents received from Michigan Department of Environmental Quality indicated that the tanks must be removed, and that the County does not oversee fuel tanks.

This property is also in a flood plain. Any rehabilitation would require compliance with current flood plain codes. There was a ruling in 2008 by the Building Board of Appeals to have this property demolished, but it was not carried out. Lewis claimed that the 2008 ruling was overturned by the court. Winters said the only solutions were: declare the building dangerous, or have the owner provide paperwork to show that it is not a dangerous building. Callan said that nothing could be done with the building so why is the Board and the City continuing to allow it to remain. Welton said that the roof repair permit that Lewis attempted to obtain would not address the issues on this site. The roof is porous and dilapidated. Interior has been open to the elements since 2005. Overhanging soffit and chimney is disintegrated and dangerous. Mansard structural elements are rotting and are in danger of falling. There is no remaining integrity in this

structure. Lewis asked about being grandfathered. Welton states that this is not about putting a roof on a building. A licensed contractor is needed as well as signed and sealed drawings and approval from the Zoning Board of Appeals. Zoning problems include parking and landscape buffers along residential properties.

**A motion was made by Darling, and seconded by Callan, that in the case of the Show Cause hearing for BBA13-0008 concerning the Building at 800 North Main, Ann Arbor, MI 48104, owned by Mr. Melvin Lewis, the Building Board of Appeals finds that the building is a dangerous building as defined by Chapter 101 of the Ann Arbor City Ordinance. The building is in disrepair, masonry in poor condition, mansard roofing failing and the building unoccupied. Staff recommended that there be a meeting with the City Planning Staff to see if a variance can be granted. The motion is made for postponing a decision until February 13, 2014.**

**On a voice vote the Chair declared the motion carried.**

**D-5 BBA13-0009 3680 Platt Road, Ann Arbor, MI 48108.**

Ann Arbor City Code, Section 8:382 of Chapter 101, specific defects that render the building dangerous. Owner ordered to show cause why the building should not be made safe or demolished.

#### STAFF PRESENTATION

Building Official Ralph Welton referenced the Staff Report and stated that the property has been vacant since 2010. It is an attractive nuisance, siding overhang and roof damage, open to intrusion through windows and doors, sporadic dumping with overgrown vegetation. The attorney for the property owner was present prior to the meeting. A Contractor was at the building department on December 18, 2013 applying for permits to have the house demolished, claiming that the property would be sold to a developer for construction of condominiums. Welton recommended that the item be tabled until February 13, 2014 to allow time for demolition.

**A motion was made by Hart, and seconded by Callan, that in the case of the Show Cause hearing for BBA13-0009 concerning the Building at 3680 Platt Road, Ann Arbor, MI 48108, owned by Rodwan Rajjoub and Zokaa Rajjoub, the Building Board of Appeals finds that the building is a dangerous building as defined by Chapter 101 of the Ann Arbor City Ordinance. The building is in disrepair, an attractive nuisance, open to intrusion through windows and doors, siding, overhang and roof damage, over grown vegetation and subject to dumping. The motion is made for postponing a decision until February 13, 2014.**

**On a voice vote the Chair declared the motion carried.**

**D-6 BBA13-0010 3802 Platt Road, Ann Arbor, MI 48108.**

Ann Arbor City Code, Section 8:382 of Chapter 101, specific defects that render the building dangerous. Owner ordered to show cause why the building should not be made safe or demolished.

**STAFF PRESENTATION**

The owner of the parcels at 3802 Platt Road, Mr. Ehab Samaha was present to represent his properties. Samaha stated that he wished to restore his buildings and use them as rental properties. He had gotten behind with his parcels because his time and finances were currently focused on building a small commercial strip mall on a nearby corner. Samaha stated that he had spoken to Welton and Lisha Turner-Tolbert, Planning & Development Programs Manager, with regard to the condition of his properties and asked for more time to work on them in the spring of 2014. Welton said that the staff would require permit applications to be submitted to validate the stated intentions. Welton stated that the properties have been vacant for several years, thereby subject to dumping and overgrowth visible from the road. Staff recommended demolition. Winters asked for the buildings to be secured with dead bolts. Welton suggested the date of January 10, 2014. Winters asked that the foliage be removed or mowed down even with snow present to make parcels more attractive.

**A motion was made by Darling, and seconded by Callan, that in the case of the Show Cause hearing for BBA13-0009 concerning the Building at 3802 Platt Road, Ann Arbor, MI 48108, owned by Mr. Ehab Samaha, that the Building Board of Appeals finds that the building is a dangerous building as defined by Chapter 101 of the Ann Arbor City Ordinance. The building is in disrepair, possibly open to vagrants, vacant at least three years, crumbling foundation, envelope penetrations, attached garage in disrepair and an attractive nuisance, overgrown vegetation and subject to dumping. Hart added that the buildings are required to be secured and vegetation removed by February 13, 2014. The motion is made for postponing a decision until February 13, 2014. This also applies to BBA13-0011, 3786 Platt Road, Ann Arbor, MI 48108. Another property also owned by Mr. Ehab Samaha. The building is to be secured and vegetation removed by February 13, 2014. The motion was seconded by Hart**

**On a voice vote the Chair declared the motion carried.**

**D-8 BBA13-0012 2434 Pinecrest, Ann Arbor, MI 48104.**

Ann Arbor City Code, Section 8:382 of Chapter 101, specific defects that render the building dangerous. Owner ordered to show cause why the building should not be made safe or demolished.

## STAFF PRESENTATION

Building Official Ralph Welton stated that this address is a concrete foundation slab remaining from a 2011 demolition. The slab was an attractive nuisance and a place to congregate. A contractor contacted Welton to discuss drawing submissions for a new home on the existing foundation. This slab needs to be maintained, vegetation removed and secured until a house is rebuilt. **A motion was made by Hart, and seconded by Callan, that in the case of the Show Cause hearing for BBA13-0011 concerning the building slab at 2434 Pinecrest Ave, Ann Arbor, MI 48104, owned by Coghlan Properties, that the Building Board of Appeals finds that the building is a dangerous building as defined by Chapter 101 of the Ann Arbor City Ordinance. The foundation is required to be secured and vegetation removed by February 13, 2014. The motion is made for postponing a decision until February 13, 2014.**

On a voice vote the Chair declared the motion carried.

- E. **OLD BUSINESS – Callan had a request for parking passes. Kristen Larcom stated that she does not believe the City issues parking passes at this time. Ann Howard stated that she would look into this for the Board.**
- F. **NEW BUSINESS - None**
- G. **REPORTS AND COMMUNICATIONS – Ed Vilametti would like minutes and agendas and access to read them in a timely manner without having to use a FOIA. Larcom will look into this. Larcom stated that board members cannot “sign off” on a draft of minutes by email or electronically. Members must come to City Hall to sign off and approve of a draft of the meetings minutes.**
- H. **PUBLIC COMMENTARY - None**
- I. **ADJOURNMENT - A motion was made by Hart, seconded by Callan, that the meeting be adjourned. On a voice vote, the Chair declared the motion carried.**