



STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

KEITH W. COOLEY
DIRECTOR

February 29, 2008

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

RE: PE 08-009

Dear Mr. Crisler:

This acknowledges receipt of the additional information requested from the City of Ann Arbor in regard to the above-captioned matter, received in this office on February 25, 2008. A copy of the City's additional information is enclosed for your informational purposes.

The City's additional information has been reviewed by our agency. Based upon our review, it has been determined that the information provided by the City addresses the issues contained within your complaint that fall under the scope of authority of our office to address.

After reviewing all your information, it is apparent you have unresolved concerns regarding the grading work performed at the 1311 Lutz property by the previous owners, and the City's actions in enforcing the provisions of applicable state and local laws and ordinances regarding this matter. It is unfortunate that you and the owners of adjacent properties have had to endure the actions of the previous owners of 1311 Lutz Avenue.

However, the grading work performed at 1311 Lutz Avenue is regulated by the enforcement of Part 91 of Act No. 451 of Public Acts of 1994 as amended, being Section 324.9101 - 324.9123 of Michigan Compiled Laws and Title V, Chapter 63 City of Ann Arbor Ordinance Code. The City has provided a copy of Grading Permit No. PG 040337 issued on November 8, 2004, and as such will regulate the work authorized by the permit or other subsequent grading permits by the enforcement of its applicable regulations. Therefore, the grading issues contained within your complaint are not regulated by the Michigan Residential Code and are being addressed through the enforcement of the City's locally adopted grading regulations. As previously stated, our agency has no jurisdictional authority to address, review, or intervene into this matter.

Additionally, the City has provided point by point responses that address the concerns registered within your complaint. The City has provided copies of inspection histories, copies of permit information regarding the subject property, and copies of detailed activities addressing the grading enforcement efforts regulated by the City's local grading requirements. These and other

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CITY OF ANN ARBOR
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Mr. Fritz Adams Crisler

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documentations provided to this office reflect that the City has adopted and is currently utilizing adequate code administration and enforcement capabilities. If you feel you must dispute the City's findings or actions in addressing this situation, you have the right to pursue an appeal to the City's Construction Board of Appeals in accordance with Section 14 of the Act as that is the proper forum to offer differing interpretations of applicable regulations to address and satisfy your concerns.

Inasmuch as it has been determined that the City of Ann Arbor has provided an adequate response to the allegations and code issues regarding your concerns that fall under the scope of authority of this agency to address, we must close our file. Please be advised that the actions of our agency in closing this complaint file will not affect the status of any complaint that you may have filed with any other state and/or local agencies, nor does it preclude you from seeking other means of redress.

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.