

APPLICATION FOR VARIANCE AND/OR TIME EXTENSION
HOUSING BOARD OF APPEALS

11-30-17

Section 1: Applicant Information

Name of Applicant: Hartman & Tyner Inc. Pheasant Run Apartments
Address of Applicant: 24700 W 12 Mile Rd. Southfield, MI 48034
Daytime Phone: 248-867-1383 - Kathy Hudgins
Fax: N/A
Email: Khudgins@hartmantyner.com
Applicant's Relationship to Property: Regional Manager

Section 2: Property Information

Address of Property: 3510 Pheasant Run Ann Arbor, MI 48108
Zoning Classification: _____
Tax ID# (if known): _____

Section 3: Request Information

Variance

Chapter(s) and Section(s) from which a variance is requested:	REQUIRED dimension	PROPOSED dimension.
_____	<u>N/A</u>	_____
_____		_____
_____		_____

Example: Chapter 105 Section 5.26 Example: 6' 6" Basement Ceiling Clearance Example: 6'6" Basement Ceiling Height

Give a detailed description of the work you are proposing and why it will require a variance (attach additional sheets if necessary)

Section 4: Variance Request (If not applying for a variance, skip to section 5)

The City of Ann Arbor Housing Board of Appeals has the powers granted by City Code Chapter 105. A variance may be granted by the Housing Board of Appeals only in cases involving practical difficulties or unnecessary hardships when ALL of the following is found TRUE. Please provide a complete response to each item below. These responses, together with the required materials in Section 5 of this application, will form the basis for evaluation of the request by staff and the Housing Board of Appeals.

Are there hardships or practical difficulties to complying with the Code? Are these hardships or practical difficulties an exception or unique to the property compared to other properties in the City?
Time Extension due to: property being short staffed - At times, it's hard just to keep up with the daily operations.

Are the hardships or practical difficulties more than mere inconvenience, inability to obtain a higher financial return, or both? (explain)
Budget Reasons:
Having to Replace Doorwalls & furnaces that we didn't plan on.

What effect will granting the variance have on the neighboring properties?
~~_____~~
~~_____~~
~~_____~~
N/A

What physical characteristics of your property in terms of size, shape, location or topography prevent you from using it in a way that is consistent with the Code?
~~_____~~
~~_____~~
~~_____~~
NA

Is the condition which prevents you from complying with the ordinance self-imposed? How did the condition come about?
~~_____~~
~~_____~~
~~_____~~
N/A

Section 5: Time Extension

Current use of the property
3 Phases Apartment Complex - 472 units with

Explain why you are requesting a time extension:
We are requesting a 6 month extension; the property has been short staffed by two employees for almost a year. Budget Reasons - Replacing doorwalls & furnaces are high ticket items

Section 6: Required Materials

The following materials are required for all variance requests. Failure to provide these materials will result in an incomplete application and will delay staff review and Building Board of Appeals consideration of the request. The materials listed below must accompany the application and constitute an inseparable part of the application.

All materials must be provided on 8 1/2" by 11" sheets. If incomplete, you will be scheduled for the NEXT MEETING DATE ON THE FOLLOWING MONTH.

- Building floor plans showing interior rooms, including dimensions.
- Photographs of the property and any existing buildings involved in the request.
- Any other graphic or written materials that support the request.
- A complete List of Tenant Names so that they can be notified that the HBA will do a possible walk through of the property on the day of the hearing.

Section 7: Acknowledgement

SIGNATURES

I, the applicant, request a variance from the above named Chapter(s) and Section(s) of the City of Ann Arbor Residential Housing Code for the stated reasons in accordance with the materials attached hereto.

Phone Number	Signature
_____	_____
Email Address	Print Name
_____	N/A

STAFF USE ONLY

Date Submitted: <u>1-30-17</u>	Fee Paid: <u>\$</u>
File No.: <u>HBA 17-015</u>	Date of Public
Hearing: <u>1-12-17</u>	
Pre-filing Staff Reviewer & Date _____	HBA Action: _____
Pre-Filing Review: _____	
Staff Reviewer & Date: _____	

ANN ARBOR HOUSING BOARD OF APPEALS

STAFF REPORT

Meeting Date: February 13, 2018

Type of Request: VARIANCE

Housing Board of Appeals Request **HBA17-015** at 3510 Pheasant Run, ANN ARBOR, MI 48108.

(Parcel Identification Number: **09-09-28-315-021**)

DESCRIPTION AND DISCUSSION

Property Owners Name and Address:

Hartman and Tyner Inc.
24700 W 12 mile Rd.
Southfield, MI 48034

BACKGROUND

The rental inspection process began November 30, 2016 for phase 1. Phase 2 began January 24, 2017 with phase 3 starting on March 21, 2017.

The second re-inspection for all three phases was the week of November 13, 2017.

Numerous violations have not been corrected. See violation notice for all three phases.

The owners of the complex located at 3510 Pheasant Run., Ann Arbor, MI requests a variance From **8:513 1 (d)** Specify a time limit for the performance of any act it requires. Said time limit shall be a reasonable time, not to exceed 60 calendar days

Section 8:515 (2) of the Ann Arbor Housing Code: The City of Ann Arbor Housing Code allows the Housing Board of Appeals to grant variances from the requirements of Chapter 105.

Standards for Approval:

1. *Practical difficulties or unnecessary hardship;*
2. *The variance does not violate the intent of this chapter; and*
3. *The variance does not jeopardize public health and safety.*

STAFF RECOMMENDATION

Staff recommends that the variance be denied

PROPOSED MOTION

I move to deny the following variances at 3510 Pheasant Run:

- (1) A time extension of 6 months

The board finds that:

- (1) Practical difficulties or unnecessary hardship does not exist. Being short staffed and unforeseen repairs do not constitute hardships.
- (2) The variances violate the intent of the chapter because the deviation from the requirements is excessive. The violations were cited more than a year ago.
- (3) The variances jeopardize public health and safety because the deviations are health- and safety-critical. Furnace clean and checks have not been received. Many furnaces have been replaced due to the furnace inspection process.
- (4) Instead, the staff recommends the following: Provide copy of all furnace clean and checks and obtain and final permits for all furnaces that have been replaced immediately. Grant an extension not to exceed 60 days.

8:514 (5) Additional extensions of reasonable periods, not to exceed 3 months, may be granted by the housing board of appeals in cases where a person ordered to correct a violation has not been able to do so within the time set by the building official, despite all diligent effort. A bond may be required to be posted with the building official if the board determines one necessary to guarantee completion of the repairs. The bond amount shall be determined by the board based upon the repairs required by the housing bureau.

11/15/2017

REMAINING VIOLATIONS PHEASNT RUN APARTMENTS PHASE 1

3501-

3520-

3521-

3530-

3531-

#6- Obtain permit for new doorwall-8:518

#7- Obtain permit for new doorwall-8:518

#8- Obtain permit for new doorwall-8:518

3532-

Hardwired smoke detectors are not interconnected-8:527

#4- Obtain permit for new doorwall-8:518

3521-

#3- Obtain permit and final inspection for new Trane furnace-8:518

3523-

#2- Obtain permit for new doorwall-8:518

3525-

#3- obtain permit for new doorwall-8:518

#4- Obtain permit for new doorwall-8:518

#5- Obtain permit for new doorwall-8:518

#8- Obtain permit for new doorwall-8:518

Obtain permits and final inspection approval for new A/C units #3, #8 and #5

3501-

#3- Obtain permit for new doorwall-8:518

3503-

#6- Obtain permit for new doorwall-8:518

3522-

#5- obtain permit for new doorwall-8:518

#7- Obtain permit for new doorwall-8:518

3580-

General violations

3582-

Obtain permit for new doorwall

3584-

2nd floor smoke alarms must be interconnected

3581-

#1- Extension cords cannot exceed 6 feet in length or be daisy chained-8:505

Replace the wiring to the A/C unit in rear of 3581-8:505

General violations applies to all buildings and phases-

Furnace room doors require a fire damper or replace the doors-8:504

Heat registers in the exit ways must be permanently closed per the Building Department Administrative Review Committee as noted in a letter dated 3/26/1979, numerous registers are either opened or have plastic film blocking the airflow. They must be sealed with 16 gauge sheet metal and covers secured with security screws that cannot be removed.

Every public hall and stairway in every multiple dwelling shall be adequately lighted at all times. The lighting shall provide an intensity of .4 foot-candle one foot above the walking surface. Have a licensed electrical contractor install emergency lighting to meet this requirement. 8:502 (4) permit required.

Numerous A/C units have been replaced without the required mechanical permit. Obtain permits and final inspection approval.-8:518

All hardwired smoke alarms must have battery backup.-8:527

Provide copy of recent furnace clean and checks-8:506

11/15/2017

Pheasant Run Phase 2 remaining violations 2nd re-inspection

3540-

3542-

#6- Install grease filter in range hood.-8:506

3550-

#5- Obtain permit and final inspection approval for new doorwall.-8:518

Furnace closets 2nd floor-

Repair ceiling-8:509

3552-

Laundry room- Replace crushed dryer duct with rigid 28 ga. Galvanized dryer duct.-8:506

3551- General violations

3553-

#5- Replace fogged doorwall and screen-8:509

3560-

#1- Install GFCI right of kitchen sink-8:505

#7- Obtain permits for remodeling. Plumbing, electrical and building.

3564-

#8- Re-glaze bathtub-8:509

3570-

#1- Adjust doorwall rollers-8:509

#5- Adjust doorwall rollers-8:509

3571-

Water heater closet- Repair hole in ceiling-8:509

Storage room- Re-connect door closer 8:509

3575-

#8- Windows do not latch-8:509

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Numerous A/C units have been replaced without the required mechanical permit. Obtain permits and final inspection approval.-8:518

All hardwired smoke alarms must have battery backup-8:527

Provide copy of recent furnace clean and checks-8:506

Pheasant Run Phase 3 remaining violations 11/15/2017

3601-

3603-

Apt #4-

Under renovation

Inspection of unit required when completed-8:511

Obtain permits for bath remodel. Building and electrical (wiring for terminated kitchen exhaust fan is in the wall and must be properly terminated. Tub is on a rated wall and must be properly fire blocked and the wall rated.)

Water heater closet-

Replace leaking water main valve with permit and inspection-8:507

3605-

Apt #1-

Adjust entry door frame-8:504

Exterior-

Obtain final inspection approval for permit ELEC17-2222-A/C disconnects

Obtain final inspection approval for permits:

PLUM17-1640

BLDG17-1861

BLDG17-1857

BLDG17-1859

MECH17-2511

MECH17-2509

3602-

Apt #3-

Repair leaking sink trap-8:507

3604-

Apt #7-

Adjust entry door-8:504

Install smoke detector in living room-8:527

Clean all cold air return grills-8:506

Extension cords cannot exceed 6 feet in length-8:505

Repair dripping tub faucet-8:507

Clean bathroom walls and ceiling to a sanitary condition-8:508

Outlet on wall right of window has open neutral-8:505 (no power to outlet right of window)

Clean kitchen to a sanitary condition-8:508

Apt #8-

Master bedroom window not latching-8:509 (replace window sashes)

3606-

Exterior-

Replace pull chain fixture in meter closet 3602-8:505

Repair latch on meter closet doors to operate, 3604-8:509

Obtain permit and inspection approval for A/C unit #3 or 4-8:518-(MECH17-2514 & ELEC17-2223)

Obtain final inspection approval for permits:

BLDG14-0328

ELEC17-1477

BLDG17-1860

BLDG17-1862

BLDG17-1858

MECH17-2510

MECH17-2520

MECH17-2514

3610-

3612-

Repair stairway fire door to self-close and latch-8:504

Apt #5-

Move smoke detector in small bedroom to an approved location-8:527

Apt #6-

Move smoke detector in small bedroom min. 36" from heat supply-8:527

Exterior-

Provide access to storage rooms-8:511

Obtain final inspection approval for permits:

BLDG14-0329

BLDG17-1864

BLDG17-1863

MECH17-2523

ELEC17-1487

Obtain permit and final inspection approval for water heaters in 3610 and 3612-8:518

Obtain permit and final inspection approval for doorwall 3610 #8-8:518

3620-

Apt #2-

Move smoke detectors to an approved location-8:527

Apt #4-

Move smoke detectors to an approved location -8:527 (min. 36" from heat supply)

Water heater closet-

Replace corroded union on water heater-8:507

Apt #6-

Move smoke detectors to an approved location-8:527

Apt #7-

Move smoke detectors to an approved location-8:527 (min. 36" from heat supply)

Apt #8-

Move smoke detectors to an approved location-8:5273622-

3622-

Apt #6-

Move smoke alarms to an approved location-8:527

Apt #8-

Install smoke alarm in small bedroom in an approved location-8:527

Move smoke alarm in master bedroom to an approved location 8:527

3624-

Repair ceiling in furnace closet-3/4-8:509

Obtain final inspection approval for permits:

BLDG15-0377

BLDG17-1869

BLDG17-1865

BLDG17-1867

Obtain permit and final inspection approval for doorwall 3624 #4-8:518

Obtain permit and final inspection approval for doorwall 3620 #3

Obtain permit and final inspection approval for new furnaces 3624 #1, 2,3,4,5 and 8-3622-#7 & 8

3621-

Apt #7-

Small bedroom window not latching-8:509

Apt #8-

Outlets in both bedrooms have open neutral-8:505 (**door chained**)

3623-

Exterior-

Have a licensed electrical contractor properly wire the floodlights, at eave left of 3623 entry and front right corner, permit and inspection required-8:505

Secure floodlight gable end 3621, right 8:505

Replace A/C disconnect box 3621-Permit required-8:505 (**ELEC17-2220**)

Obtain permit and final inspection approval for A/C units (2) 3623-8:518

Obtain permit and final inspection approval for new furnaces 3623, #3 and 4-8:518 (**MECH17-2519**)

Obtain final inspection approval for permits:

Obtain permit and final inspection approval for water heater 3623-8:518

BLDG14-0330

BLDG17-1866

MECH17-2519

BLDG17-1868

MECH17-2522

ELEC17-1486

ELEC17-1483

(ELEC17-2220)

(MECH17-2519)

3630-

Exterior-

Grout around all combustion air intakes for water heaters-8:509

Obtain permit and final inspection approval for new furnaces 3630 #1,2 and 4 3632 #8 3634 #2 and 3-8:518
(MECH17-2512)

Obtain permit and final inspection approval for doorwall 3632 #1-8:518

Obtain final inspection approval for permits:

BLDG15-0379

BLDG17-1870

BLDG17-1871

MECH17-2515

BLDG17-1872

MECH17-2517

ELEC17-1481

3640-

Water heater closet-

Firestop ceiling-8:509

Apt #7-

Small bedroom window does not latch-8:509 **(dog must be crated)**

3642-

Apt #1-

Small bedroom-

Replace outlet between door and window-8:505

Water heater closet-

Damper not connected to water heater and wires are exposed-8:505 (**fire caulk ceiling**)

3644-

Repair ceiling in furnace closet ¼-8:509

Apt #4- (**No key**)

Entry door not latching-8:504

Move smoke detectors to an approved location-8:527

Replace broken outlet in small bedroom left of window-8:505

Water heater closet-

Repair door to self-close and latch-8:504

Exterior-

Repair ceiling in meter closet 3640-8:509

Level A/C pads-8:506

Obtain permit and final inspection approval for new furnaces- 3642 #1,6,7 and 8-8:518

Obtain final inspection approval for permits:

BLDG17-1873

BLDG17-1875

BLDG17-1877

MECH17-2512

MECH17-2524

BLDG15-0380

ELEC17-1488

PLUM10-1449

ELEC17-1476

(8/23/2017 1:42 PM TR)

3641-

3643-

3645-

Apt #5

Obtain permit and final inspection approval for new doorwall.-8:518

Clean all cold air return grills-8:506

Windows not latching-8:509

Move smoke detectors to an approved location-8:527

Obtain permit and final inspection approval for new furnaces- 3645 #5 and 7-8:518

Obtain final inspection approval for permits:

MECH17-2518

BLDG17-1874

MECH17-2513

BLDG17-1876

BLDG15-0381

BLDG15-0382

ELEC17-1479

ELEC17-1480

3661-

Apt #2-

Dog, provide access (**dog must be crated**)

Apt #5-

Install vacuum breaker on shower hose-8:507

3663-

Water heater closet-

Repair holes in wall-8:509

Apt #6-

Restore light at kitchen sink-8:502

Obtain permit and final inspection approval for new furnaces- 3663 #2, 5, 7 and 8-8:518

Obtain final inspection approval for permits:

BLDG15-0385

BLDG17-1878

BLDG17-1879

ELEC17-1478

MECH17-2516

3671-

Apt #1-

Install GFCI left of stove (2)-8:505

Move smoke alarm in bedroom a min. 36" from heat supply-8:527

Water heater closet-

Remove prop from door-8:504

Apt #4-

Obtain final inspection approval for permit BLDG17-1880

Apt #5-

Replace GFCI right of kitchen sink-8:505

Apt #7-

Switched outlet at entry has reverse polarity-8:505

Apt #8-

Provide access

3673-

Apt #2-

Small bedroom missing smoke alarm-8:527

Apt #4- Obtain final inspection approval for permit BLDG17-1881

Water heater closet-

Install cover on damper actuator

Obtain final inspection approval for permit MECH17-2517

Apt #5

Install a hardwired smoke alarm-8:527

Windows do not latch-8:509

Apt #6-

Small bedroom window does not latch-8:509

Apt #7-

Install a hardwired smoke alarm-8:527

Replace both bedroom smoke alarms (painted) and install in an approved location-8:527

Windows do not latch-8:509

Caulk bathtub-8:509

Install aerator on kitchen faucet-8:507

Repair sink base door-8:509

Install GFCI at stove-8:505

3675-

Apt #1-

Window does not latch-8:509

Apt #2-

Dog- (dog must be crated)

Apt #3-

Move both bedroom smoke alarms

Replace outdated hardwired smoke alarm-8:527

Apt #6-

Master bedroom outlets have open ground-8:505

Small bedroom common bedroom wall outlet has open ground-8:505

Apt #7-

Replace hardwired smoke alarm, must have battery backup-8:527

Windows do not latch-8:509

Exterior-

3675-meter closet-

Install knockout covers in panel-8:505

Storage room-

Restore lighting-8:505

Obtain final inspection approval for permits:

BLDG15-0384

BLDG15-0383

BLDG17-1880

BLDG17-1881

BLDG17-1882

ELEC17-1482

ELEC17-1485

MECH17-2521

MECH17-2517

General violations applies to all buildings and phases-

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Every public hall and stairway in every multiple dwelling shall be adequately lighted at all times. The lighting shall provide an intensity of .4 foot-candle one foot above the walking surface. Have a licensed electrical contractor install emergency lighting to meet this requirement. 8:502 (4) permit required.

Numerous A/C units have been replaced without the required mechanical permit. Obtain permits and final inspection approval.-8:518

All hardwired smoke alarms require battery backup-8:527

Provide copy of recent furnace clean and checks-8:506