

From: Sivana Heller
Sent: Thursday, August 13, 2015 11:51 PM
To: Rampson, Wendy
Cc: Daniel Boyk; Philip Roe;
Subject: Davis Row -- Urgent issues, and a letter for the Planning Commission

Hi Wendy,

I am writing to follow up on a phone conversation that you had with Dan Boyk and me on June 11, regarding the proposed Davis Row project. Dan and I live at 128 W. Hoover, which backs up to the Davis Row site.

You were very generous with your time, and the information you gave us during the call was extremely helpful. We do have still have a few questions for you, since we know the Planning Commission will be discussing this project in a few days.

I have marked our questions with asterisks.

1) When we spoke with you, we asked about the letter that Dan and several other neighbors sent to Matt Kowalski on March 27, 2015, expressing concerns about the project. (I didn't sign the letter because I hadn't yet moved in with Dan; I have since moved in.) Matt said that this letter would be provided to the Planning Commissioners prior to their meeting on April 21, but I told you that it appeared to me the letter was never given to them.

You suggested that I check the "Communications" section of the meeting agenda. I have looked (in particular, in the area of the Agenda titled "Various Correspondences to the City Planning Commission"), but I still don't see our letter. I also checked the Correspondence sections for other Planning Commission meetings that occurred around that date, but didn't find the letter there, either.

****Do you know if the letter was ever given to the commissioners? If not, we ask that it be provided to them. I am attaching a copy of the letter for reference. (The letter that we hand-delivered to Matt Kowalski was, of course, actually signed.)**

2) We continue to hope that this project will not be approved, because it does not conform to code and because its size is way out of keeping with our neighborhood.

However, because it is possible that the project will be approved, we were pleased to have an opportunity to talk to the developer, Dan Williams. He met with Dan and me on July 14. In talking with Mr. Williams, we learned that his plan was to tear down the concrete wall at the rear of our property (according to his survey, the property line runs down the center of this wall). He was also planning to remove all of the trees that grow out of the wall or near it. We were surprised, since this was not shown on the site plan and you had told us that the plan seemed to show that the wall would remain.

We told Mr. Williams that we strongly object to these plans. He then offered to modify his plan, saying that he would leave the wall, leave as many of the trees as possible, and do some type of grading with dirt between that wall and a second wall that he is planning to construct near the back of the Davis Row property. While this sounded promising, he did not want to put any of this in writing, and some of the details were left ambiguous.

****Do you have any suggestions as to how we should proceed? Is it possible to incorporate any of this into the site plan in a way that is binding?**

3) When we spoke to you on June 11, we mentioned that we have some concerns about the accuracy of the survey that the developer conducted. You said that the city can confirm with the surveyor how the survey was done and what benchmarks were used.

**Do you know whether this has been done, and if so, what was the result?

4) As I said when I spoke at the Planning Commission meeting on 4/21, and reiterated to you on the phone, we have a number of concerns about the Citizen Participation Meeting that the developer held. While he was not required to hold this meeting (because the project is relatively small), the report that he filed on it is supposed to meet city requirements, according to what Matt Kowalski said at the Planning Commission meeting. In two letters to Mr. Williams that are posted on Etrakit, the city has asked him to provide further details about the meeting. And in two responses (dated May 7 and July 9), he said that he would do this. Yet, he still has not complied (at least, I cannot find anything about it posted on Etrakit).

We are still wondering who attended this citizens' meeting and what was actually said, especially since the account of the one person who we know attended (our neighbor at 124 W. Hoover, Phil Roe) differs substantially from that provided by Mr. Williams. And also, we want the Planning Commission to know the actual facts -- before they vote.

5) Looking at the city's account of what I said at the Planning Commission meeting on 4/21, I see that my remarks are reported incorrectly, and possibly to the disadvantage of our argument. This account is labeled 15-0501 and is at:

[http://a2gov.legistar.com/MeetingDetail.aspx?ID=307870&GUID=83022C03-278E41CF-\\$](http://a2gov.legistar.com/MeetingDetail.aspx?ID=307870&GUID=83022C03-278E41CF-$)

The account states:

PUBLIC HEARING: Sivana Heller & Dan Boyk, 1549 Marion, Ann Arbor, said they are moving back to 128 W. Hoover Avenue, where they have lived 18 years.

This is false. Dan has owned the house since 1980 and has lived there continuously since 1990. (I lived in the house from 1992-2009 and moved back last month.) We feel that the incorrect reporting makes it sound as if Dan has a much smaller stake in the property, and much less familiarity with the neighborhood, than he does.

The name of our neighbor, Phil Roe, was also reported incorrectly as Everett Roe.

Thank you so much for your help with this, Wendy. We read that you will be retiring soon -- congratulations!! But, your retirement is a huge loss to Ann Arbor.

Sivana Heller and Dan Boyk

128 W. Hoover

(734) 996-0051

sivana@umich.edu

dboyk@umich.edu