

ANN ARBOR BUILDING BOARD OF APPEALS

Show Cause Hearing for Dangerous Buildings at 2026 DEVONSHIRE ROAD, Ann Arbor, MI 48104 (Parcel Identification Number: 09-09-34-205-017

Hearing date: May 12, 2016

STAFF REPORT

Staff recommends: that the Building Board of Appeals find the buildings are dangerous buildings and order that they be vacated for reasons explained below.

DESCRIPTION AND DISCUSSION

Property Owner's Name and Address:

Manfred and Paula Kochen
2026 Devonshire Rd.
Ann Arbor, MI 48104

Other interested parties:

PNC Bank Ann Arbor
101 S. Main Street
Ann Arbor, MI 48104

The buildings on this property are a owner-occupied, single-family house and a detached garage.

An inspection was conducted by staff on March 30, 2016. Based on the inspection the Building Official determined that the buildings are dangerous buildings as defined in Section 8:382 of Chapter 101 of the Ann Arbor City Code.

A Notice and Order, with photos of the exterior, was sent on April 8, 2016, to the owner stating that the Building Official has found the buildings are dangerous buildings and orders the owner to demolish or otherwise make them safe by April 22, 2016.

An Order to Show Cause was sent on May 3, 2016, to the owner to appear before the Building Board of Appeals to explain why the Board should not find the buildings are dangerous and order the owner to demolish or otherwise make them safe.

STAFF FINDINGS

Upon initial inspection the Building Official determined that the buildings are dangerous buildings based on conditions that include, but are not limited to, the following:

- Gutters are falling off of all sides of house.
- Rear 2nd story wooden balcony is rotted and hanging next to house.
- Very large hole in tile roof, potential for entry by animals.
- Several small holes in roof.
- Front porch concrete steps are deteriorating.
- Left front corner of house by driveway has collapsing bricks.
- Side window of garage is broken out.

The report attached to this staff report contains details of subsequent contacts with the owner and inspections. A cursory summary is as follows:

- April 13th, the City received correspondence from David Kochen who occupies the property. His father is deceased and the mother who is the owner of the property lives at another location.
- April 18th, Building Official Peter Pace responded reiterating concerns that the house was unsafe for occupancy.
- April 19th, the Building Official had further conversation with David Kochen.
- April 29th, the Building Official and Administrative Assistant Ann Howard conducted an inspection of the interior of the house accompanied by David Kochen and his brother Mark Kochen. The Building Official found the house to be unfit for occupancy for reasons that include the danger of a ceiling and/or roof collapsing in a bedroom. Mark indicated that he has offered for his brother David to relocate to his property.
- May 4th, the City received correspondence from Mark Kochen with a plan of action, which includes having the house vacated and prepared for sale.

Staff will update Board Members with any changes occurring after issuance of this staff report at the hearing.

STAFF RECOMMENDATION

Staff recommends that the Building Board of Appeals find the buildings on the property at 2026 Devonshire Road are dangerous buildings as defined in Section 8:382 of Chapter 101 of the Ann Arbor City Code and order that they be vacated until the Building Official and/or the Building Board of Appeals finds they no longer meet the definition of dangerous building in the Ann Arbor City Code. The Building Official will recommend to the Board dates by which the Building Official believes action shall be taken.

Under City Code Sections 8:382(2), (3), (6), and (8), a building is a dangerous building if it is:

- (2) Structurally weakened or less stable and does not meet minimum code requirements due to damage by fire, wind, flood, deterioration, vandalism, etc.
- (3) Likely to fall or collapse and injure persons or damage property.
- (6) Manifestly unsafe for the purpose for which it is used.
- (8) A dwelling place that is unsanitary or unfit for human habitation due to dilapidation, decay, damage, faulty construction, etc..

These buildings meet all of these descriptions of dangerous buildings in the code. Portions of the roof are likely to collapse and injure the occupants of the house. The gutters that are falling off of all sides of the house could also injure persons or property. The rotting 2nd story wooden balcony is structurally weakened due to damage by the elements and neglect. In short, all of the conditions, including the interior of the house make it unsafe and unfit for continued human habitation.

Note that the proposed motion provided below is merely a suggestion as the Board's ultimate decision is completely within the Board's discretion.

PROPOSED MOTION

I move that in the case of the Show Cause hearing for BBA Case # _____, concerning the Buildings at **2026 Devonshire Road**, Ann Arbor, Michigan, the Building Board of Appeals finds that the buildings are dangerous buildings as defined in Section 8:382 of Chapter 101 of the Ann Arbor City Code and orders that they be vacated until the

Building Official and/or the Building Board of Appeals finds they no longer meet the definition of dangerous building in the Ann Arbor City Code. The house shall be vacated by _____, 2016 and work necessary to make the buildings safe shall be completed by _____, 2016. If the owner fails to comply with this Order then the Building Official may bring this matter back to the Board for further action.

THIS ORDER IS BASED ON THE FOLLOWING FINDINGS:

- The conditions of the roof, gutters, and balcony are such that they threaten to collapse or fall and injure the occupants of the house and other persons, as well as property
- Both the exterior and the interior of the house make it unsafe and unfit for continued human habitation.
- _____
- _____