



## City of Ann Arbor

### Meeting Minutes

#### BUILDING BOARD OF APPEALS

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Thursday, January 10, 2013

1:30 P.M.

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

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#### A. CALL TO ORDER

*Chair Ken Winters called the meeting to order at 1:34 pm. EST.*

#### B. ROLL CALL

*Chair Ken Winters called the roll.*

*Present: 4 – Ken Winters, Robert Hart, Paul Darling, Sam Callum*

*Absent: 1 - Robert Reik*

#### C. APPROVAL OF AGENDA

**A motion was made by Ken Winters, there was no dissention, that the agenda be approved. On a voice vote, the Chair declared the motion carried.**

#### D. APPROVAL OF MINUTES – *None.*

#### E. APPEALS, ACTIONS, AND SHOW CAUSE HEARINGS

- E-1 BBA13-0001 - 700 North Main Street, Ann Arbor, MI 48104  
09-09-2-412-041 (six houses formerly known as 700 N. Main, 708 N. Main, 712 N. Main, 718 N. Main, 722 N. Main and 724 N. Main)  
Ann Arbor City Code, Section 8:382 of Chapter 101, specific defects that render each of the six buildings dangerous Owner ordered to**

**show cause why the buildings should not be made safe or demolished.**

*PRESENTATION BY STAFF:*

*Building Official Ralph Welton referenced the Staff Report in the packet and stated that:*

*The City has received preliminary indication that the owner and other interested parties are willing to waive all proceedings, admit that the buildings are dangerous under the ordinance, and consent to demolition as provided under Section 8:389 of the Ann Arbor City Code. The property is in mortgage foreclosure.*

*A waiver will allow the demolition to move forward using funds available from HUD. Given the potential resolution, Staff recommends that the BBA adjourn this show cause hearing to January 31, 2013 at 1:30 pm EST. This hearing will not be held if the owner and other interested parties have executed a formal waiver prior to the hearing.*

*If a written waiver is received, Section 8:389 states the BBA "may have said the building demolished." Consistent with this provision, Staff recommends that the BBA approve the motion indicating that the building be demolished conditioned on receipt of the written waiver.*

*PRESENTATION BY OWNER*

*Chair Ken Winters asks if any owner or interested parties would like to speak. The Chair noted no persons came forward to speak.*

*COMMENTS BY MEMBERS OF THE AUDIENCE*

*Chair Ken Winters asked if any other member of the audience wished to speak.*

*Margaret Shankler came forward and stated that she lives directly behind the buildings and is speaking on behalf of the neighborhood association. They expressed concern about the dangerous condition of these houses and wanted to know if the waiver deadline of January 31, 2013 was not met, whether the City would still go forward.*

*Tom Solvert, came forward and stated that he is with Champion Management located at 1102 Traver, owns 110 & 112 E. Summit and is on the historic district commission. He stated that he had been interested rehabilitating one or two of the houses but found out it would be too difficult and time consuming, considering that all houses are under one parcel identification number. He stated*

*that he hoped that the decision to demolish the houses would happen in a timely fashion.*

*Ralph Welton and Kristen Larcom stated that these developments are very recent and indications are that all parties are interested in cooperating with the City. Noting no further speakers the Chair declared the hearing closed.*

#### **BOARD DISCUSSION**

*The members of the Board took into consideration the testimony by staff, the owner and any interested parties, and any others who spoke and discussed the matter.*

*Sam Callum asks why now and how did the houses get into such a state of disrepair and asked who owns these properties.*

*Kevin McDonald stated that this site had been zoned PUD for the Near North development, but the project is not going forward as none of the interested parties has the means to go forward with it. He stated that the City does not have a financial interest in these properties. Kevin McDonald stated that the waiver will expedite the process. Costs to the City will be placed as liens on the property.*

*Paul Darling asks about salvage of materials.*

**A motion was made by Ken Winters, seconded by Paul Darling that in BBA13-001, the Building Board of Appeals hereby adjourns the show cause hearing for the buildings on the property at 700 N. Main Street that originally had addresses of 700 N. Main, 708 N. Main, 712 N. Main, 718 N. Main, 722 N. Main and 724 N. Main until January 31, 2013 at 1:30 pm EST, which will be held on that date unless all necessary parties, as determined by the City, have executed a waiver and consent for demolition consistent with Section 8:389 of Ann Arbor City Code, on a form acceptable to the City Attorney.**

**On a voice vote, the vote was as follows with the Chair declaring the motion carried:**

**Yeas: 3 –Ken Winters, Paul Darling and Robert Hart**

**Nays: 1 – Sam Callum**

**Ken Winters made a second motion, seconded by Paul Darling that the Building Board of Appeals order that the buildings be demolished as soon**

as possible, upon the condition that the City receives the written waiver and consent consistent with Section 8:389 of Ann Arbor City Code.

Robert Hart moved to amend the motion to add that there is available HUD funding and if there is any difference then it will be made up by placing liens on the property.

On a voice vote on the motion as amended, the vote was as follows with the Chair declaring the motion as amended carried:

**Yeas: 3 –Ken Winters, Paul Darling and Robert Hart**

**Nays: 1 – Sam Callum**

- D. **OLD BUSINESS** – *None.*
- E. **NEW BUSINESS** – *None.*
- F. **REPORTS AND COMMUNICATIONS** – *None.*
- G. **AUDIENCE PARTICIPATION** – *None.*
- J. **ADJOURNMENT**

A motion was made by Robert Hart, seconded by Sam Callum, that the meeting be adjourned. On a voice vote, the Chair declared the motion carried.

The meeting was adjourned at 2:22 p.m. EST.



**City of Ann Arbor**  
**Meeting Minutes**

**BUILDING BOARD OF APPEALS**

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THURSDAY, FEBRUARY 14, 2013

1:30 PM EST

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

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**A. CALL TO ORDER**

*Chair Ken Winters called the meeting to order at 1:42 p.m.*

**B. ROLL CALL**

*Chair Ken Winters called the roll.*

Present: # 3 – Ken Winter, Paul Darling, Robert Hart.

Absent: # 2 – Sam Callum, Roger Reik.

**C. APPROVAL OF AGENDA**

**A motion was made by Ken Winters, seconded by Paul Darling, that the agenda be approved. On a voice vote, the Chair declared the motion carried.**

**D. APPROVAL OF MINUTES**

BBA13-0001 January 10, 2013 BBA Meeting Minutes

**A motion was made by Ken Winters, seconded by Robert Hart, that the Minutes be approved. On a voice vote, the Chair declared the motion carried.**

**E. APPEALS, ACTIONS, AND SHOW CAUSE HEARINGS - None**

**F. OLD BUSINESS - None**

**G. NEW BUSINESS – Staff Presentation Regarding General Process**

Kristen Larcom, Assistant City Attorney presents a discussion regarding general processes, audience participation time limits, and show cause hearings. K. Larcom and the board also discussed interpretations of the dangerous building ordinance, the legislative power of board members and possible scenarios and time line expectations for demolition of properties.

**H. REPORTS AND COMMUNICATIONS - None**

**I. PUBLIC COMMENTARY - None**

**J. ADJOURNMENT**

**A motion was made by Robert Hart, seconded by Paul Darling, that the meeting be adjourned. On a voice vote, the Chair declared the motion carried.**

**The meeting was adjourned at 2:25 pm EST.**



## City of Ann Arbor

### Meeting Minutes

#### BUILDING BOARD OF APPEALS

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March 14, 2013

1:35 p.m.

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

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#### A. CALL TO ORDER

Chair K. Winters called the meeting to order 1:35 p.m.

#### B. ROLL CALL

A. Howard called the roll.

Present: #4 – K. Winters, S. Callan, P. Darling, R. Hart.

Absent: #0

#### C. APPROVAL OF AGENDA

A motion was made by P. Darling, seconded by R. Hart, that the agenda be approved. On a voice vote, the Chair declared the motion carried.

#### D. APPROVAL OF MINUTES

February 14, 2013 BBA Meeting Minutes

A motion was made by R. Hart, seconded by S. Callan, that the minutes be approved. On a voice vote, the Chair declared the motion carried.

#### E. APPEALS, ACTIONS, AND SHOW CAUSE HEARINGS

**E-1 BBA13-0002- 3010 Dexter Road, Ann Arbor, MI 48103. Lot 4, EXCEPT N 66 FT RESUB OF EVERGREEN LITTLE FARMS** 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 in September of 2012 the house at 3010 Dexter was visited. All windows are broken, missing siding, rotten under sheeting, tarps blown off of roof, interior drywall damaged and two inoperable vehicles stored in the yard. R. Welton received an email from the owner Barbara Wallis with information about a quote from a local contractor for demolition costs. B. Wallis stated in an email to R. Welton that there is a brand new water service to the house that was recently installed. The water service should be kept intact for selling of the property. Staff recommends that this structure be removed and properly graded. Bar some changes with ownership the City is prepared to do this. L. Turner -Tolbert stated that the City mailed all certified letters on the 28<sup>th</sup> of February. The building was reposted on March 1, 2013.

Member S. Callan asked if the City cares that there is a mortgage? K. Winters believes that the Board doesn't think so. The City's concern is only that the mortgage holder is notified. The mortgage holder TCF Bank apparently sold the mortgage for 3010 Dexter to First Bank Mortgage. They will immediately be notified by certified mail. R. Hart asks if the new mortgage holder has an issue with the demolition than what would the procedures entail. K. Larcom states that this is a legal issue. The City checked with the register of deeds and the mortgage holder does not show up. If there is a problem the City will inform the Board. R. Welton states that the decision made by the Board should suffice.

Chair K. Winters asks for owner participation. No one is present on the behalf of Barbara Wallis for 3010 Dexter, so the Chair K. Winters declared the Show Cause Hearing closed.

#### **BOARD DISCUSSION**

The members of the Board took into consideration the testimony by staff,

**A motion was made by P. Darling, seconded by S. Callan, that in the case of the Show Cause hearing for BBA13-0002 concerning the Building at 3010 Dexter Road, Ann Arbor, MI 48104, owned by Barbara Wallis, 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 to be**



demolished by commencing work by April 4<sup>th</sup>, and completing the work by May 2<sup>nd</sup>. If the owner fails to comply then the City will cause the necessary work completed. This is based on the findings that the current conditions exist with respect to the building: all of the window are damaged or removed, tarps are covering the roof, missing plaster, exposing studs and walls inside, and there are two inoperable vehicles in the yard and the structure was found to be unsafe.

On a voice vote, MOTION PASSED – UNANIMOUS. The Chair K. Winters declaring the motion carried.

E-1 **BBA13-0003- 2415 Dorchester Road, Ann Arbor, MI 48104. Lot 121, ANN ARBOR WOODS NO 2.** 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 in September of 2012 the garage at 2415 Dorchester was visited. The roof is exposed and at least two of the elevations North and East have disintegrating fascia. There are also inoperable vehicles parked in front. A buzzard was seen perched on the hole in the roof on several occasions. The roof is falling in and the City staff recommends that it be demolished and graded with seeded grass. After the September Board meeting R. Welton spoke to the owner of 2415 Dorchester who stated that he was waiting until spring of 2013 to remedy the situation. L. Turner-Tolbert states that the certified mailings went out on the 28<sup>th</sup> of February and the property was reposted on March 1, 2013. On the house and the garage. R. Welton states that neither the house nor the garage are in good shape. K. Winters asked if there is any glass left in the windows of the garage or are there any openings to the walls of the structure. R. Welton states that there are a few panes left and he believes that at one time an appliance such as an air conditioner was removed. R. Hart asks if the property is a rental. R. Welton states that the owner claims to live there. P. Darling asks if there are any utilities and R. Welton states that he does not believe so.

Chair K. Winters asks for owner participation. No one is present on the behalf of the Brian Gast Trust for 2415 Dorchester, so the Chair K. Winters declared the Show Cause Hearing closed.

#### BOARD DISCUSSION

The members of the Board took into consideration the testimony by staff,

**A motion was made by P. Darling, seconded by S. Callan, that in the case of the Show Cause hearing for BBA13-0003 concerning the Building at 2415 Dorchester, Ann Arbor, MI 48104, owned by the Brian Gast Trust, 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 to be demolished by commencing work by April 4<sup>th</sup>, and completing the work by May 2<sup>nd</sup>. If the owner fails to comply then the City will cause the necessary work completed. This is based on the findings that the current conditions exist with respect to the building: weather exposure to the roof has caused structural damage, disintegrated fascia below the gutters, gutters are falling, the structure is open to wildlife and the structure has damage to the roof, endangering the integrity of the walls.**

**On a voice vote, MOTION PASSED – UNANIMOUS. The Chair K. Winters declaring the motion carried.**

**E-1 BBA13-0004 - 3123 Cherry Tree Lane, Ann Arbor, MI 48108. COM AT THE NE COR OF SEC 11, T3S, R6E, TH S 88 DEG 33 MIN W 1325.69 FT, TH S 0 DEG 16 MIN E 678.19 FT FOR POB, TH CONT S 0 DEG 5 MIN E 75 FT, TH S 89 DEG 39 MIN W 163.70 FT, TH N 0 DEG 21 MIN W 75 FT, TH N 89 DEG 39 MIN E 164.02 FT TO POB, EXC THE W 33 FT OF ROW. 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 in September of 2012 the house at 3123 Cherry Tree Lane was visited. This property used to be a rental. Complaints were received in 2007 about work without permits. The owner came to the city for permits and inspections. Most inspections failed. Work started on an addition without permits. Again the City shut the construction down. The owner moved into the house for a brief time and then moved to Greece over a year ago. R. Welton stated how unsafe the house is. Nothing complies with the building code, innumerable code violations, unsafe, dangerous and uninhabitable conditions exist. The buildings pose an unattractive nuisance to the community. This building has been a problem for some time. The violations cover eight pages, too numerous to list. Lawnet, police and neighbors have complained. The city had the house and garage vacated and boarded up so all illegal activity has ceased. The owner would like to come back from Greece to move back into the house,

but R. Welton stated that the damage is too extensive and the owner has not been compliant. Chair K. Winters asked how this situation existed for so long. L. Turner-Tolbert stated that the City was unaware of how extensive the damage was until it was discovered that it was an unregistered rental property. When the City discovered it was a rental in 2012, and viewed the condition of the property and how many illegal occupants resided there, then the City contacted the owner. L. Turner-Tolbert stated that on the 28<sup>th</sup> of February certified mail was sent and the property was posted on March 1, 2013. All mail came back to the City unclaimed. The owner is aware of the situation. The City received a fax in December from Greece.

Chair K. Winters asks for owner participation. No one is present on the behalf of Byron Patrikakos, so the Board will close the Show Cause Hearing.

#### BOARD DISCUSSION

The members of the Board took into consideration the testimony by staff,

**A motion was made by P. Darling, seconded by S. Callan, that in the case of the Show Cause hearing for BBA13-0004 concerning the Building at 3123 Cherry Tree Lane, Ann Arbor, MI 48108, owned by Byron Patrikakos, 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 buildings, which are a house and the attached garage, shall be demolished by commencing work by April 4<sup>th</sup>, and completing the work by May 2<sup>nd</sup>. If the owner fails to comply then the City will cause the necessary work completed. This is based on the findings that the current conditions exist with respect to the buildings: innumerable building code violations, the buildings are in an unsafe, dangerous and uninhabitable condition, the buildings pose an unattractive nuisance to the community.**

**On a voice vote, MOTION PASSED – UNANIMOUS. The Chair K. Winters declaring the motion carried.**

**F. OLD BUSINESS** – 700 North Main. R. Welton explains that the process has slowed but is continuing in the demolition procedures for the 700 North Main houses. The City is ready proceed on the demolition of the houses. The delay is that there are many interested parties involved. It's a complicated process. R. Welton states that at 175 North Maple, the burned out Chinese restaurant has been demolished; Prospects look promising for new zoning and development.

**G. NEW BUSINESS** - None

**H. REPORTS AND COMMUNICATIONS** – R. Welton thanks the Board for their participation, involvement and patience for learning the demolition procedures. There was a discussion about a replacement for retired Board member Roger Reik.

**I. PUBLIC COMMENTARY** - None

**J. ADJOURNMENT**

A motion was made by K. Winters, seconded by S. Callan, that the meeting be adjourned. On a voice vote, the Chair declared the motion carried.

The meeting was adjourned at 2:30 p.m.