

From: [Kahan, Jeffrey](#)
To: [Welton, Ralph](#); [Bahl, Sumedh](#)
Cc: [Larcom, Kristen](#)
Subject: 410 Miller (abandoned building)
Date: Friday, January 10, 2014 3:31:06 PM

Hi Ralph and Sumedh,

I wanted to ask you about the status of this blighted property. It continues to deteriorate and trees seem to be the only thing holding up the east wall.

Kristen indicated that you two were aware of where we stood with regard to the structure and it's removal.

Thanks.

Jeff

From: [Williams, Debra](#)
To: [Welton, Ralph](#)
Subject: 410 Miller Ave -- Notice Order.docx
Date: Thursday, May 29, 2014 10:32:34 AM
Attachments: [410 Miller Ave -- Notice Order.docx](#)



RALPH WELTON
CHIEF DEVELOPMENT OFFICIAL
CITY OF ANN ARBOR, MICHIGAN

Community Services Area
Planning & Development Services Unit
301 East Huron, P.O. Box 8647,
Ann Arbor, Michigan 48107-8647
Phone: (734) 794-6261
Fax: (734) 994-8460
rwelton@a2gov.org

DANGEROUS BUILDING NOTICE AND ORDER

January 14, 2014

BY CERTIFIED MAIL, FIRST CLASS MAIL, & POSTING

First Miller Limited Partnership
c/o McKinley, Jeffrey Holman
320 N. Main Street
Ann Arbor, MI 48104

Re: 410 Miller Avenue, Ann Arbor, Michigan
Parcel Identification Number ("PIN"): 09-09-29-221-035

Dear First Miller Limited Partnership and Mr. Holman:

Records of the Ann Arbor City Assessor and the Washtenaw County Register of Deeds indicate that the building on the property located within the City of Ann Arbor at the above-referenced address ("the Property") is owned by Felch LLC c/o Peter Shefman. **However, GIS maps indicate that the building may also be partially located on property at 310 Miller Avenue owned by First Miller Limited Partnership.** The Property is more fully described in the Assessor's Records as follows:

A PRT OF NE 1/4 OF NW 1/4 OF SEC 29, T2S, R6E, DESCR AS ALL THAT PRT NORTH OF MILLER AVE AND SOUTH OF FELCH ST, LYING E OF THE ANN ARBOR R.R. ROW (50FT WIDE) AND W OF A LINE DESCRIBED AS BEING PARALLEL WITH AND 25 FT DISTANT FROM THE E ROW LINE OF SAID R.R. ROW, MORE PARTICULARLY DESCRIBED AS A LINE BEG AT A PNT 50 FT E OF THE CENTERLINE OF THE R.R. ROW AND THE NLINE OF MILLER AV, TH N 51 DEG 01' E 350.49 FT; TH N 19 DEG 56' E 646.62 FT TO THE POINT OF ENDING. CONTAINING 24930 SF +- OR .16 ACRES +- THIS DESCRIPTION IS FOR PROPERTY TAXATION PURPOSES ONLY. Split on 03/02/2000 from 09-09-29-221-030;

This letter is to provide notice that the City finds that the building on the Property is a dangerous building as defined in provisions of **Section 8:382 of Chapter 101** of the Ann Arbor City Code, including but not limited to subsection[s] 2, 6, 7, 9, and 10. A copy of

Chapter 101 is enclosed. Specific defects that render the building[s] dangerous include, but are not limited to, the following:

- Shed/barn -- Compromised envelope including: broken window panes, unsecured, weathered, and delaminated plywood, entry points throughout, structural shifting and wracking, roof compromised.

Pursuant to this letter, you are required to repair the above defects or demolish the building.

In order to get started, **you must contact me no later than 4:00 p.m. on January 29, 2014**. You can reach me by email or telephone (leave a message if I don't answer). When you contact me, please provide a means by which I may get in touch with you.

You are further required to complete the necessary repairs or demolish the building by February 12, 2014. You must obtain all necessary permits to perform any work on the Property.

The City would prefer that this danger to the public be eliminated by your voluntary compliance, which can be facilitated by communicating with me. However, failure to comply with either of these dates will result in an order requiring you to appear at a public hearing of the Building Board of Appeals at which a demolition order will be recommended and other possible legal action may be taken.

As indicated above, the only other party known to the City with an interest in the building is Felch LLC c/o Peter Shefman, to whom a Notice & Order similar to this one has already been sent.

Sincerely,

Ralph Welton, Building Official
City of Ann Arbor Construction Services
(734) 794-6261, rwelton@a2gov.org

Enclosure

cc: Sumedh Bahl, Community Services Area Administrator
Kristen D. Larcom, Senior Asst. City Attorney

From: [Williams, Debra](#)
To: [Howard, Ann](#)
Cc: [Welton, Ralph](#); [Turner-Tolbert, Lisha](#)
Subject: 410 Miller
Date: Monday, April 07, 2014 4:50:09 PM

What's the BBA file # for this property?

*Debra Williams
Management Assistant/
Special Events Coordinator
Community Services
City of Ann Arbor
Phone: (734) 794-6000 x42198
Fax: (734) 994-8312
dewilliams@a2gov.org*

From: [Williams, Debra](#)
To: [Welton, Ralph](#); [Larcom, Kristen](#); [Turner-Tolbert, Lisha](#)
Cc: [Howard, Ann](#)
Subject: Draft Meeting Minutes 4-10-14
Date: Tuesday, April 22, 2014 4:39:45 PM
Attachments: [BBA Draft Meeting Minutes April 2014.pdf](#)

I have uploaded the draft minutes to the website. Let me know right away if anything needs to be changed. Thanks!

Debra Williams
Management Assistant/
Special Events Coordinator
Community Services
City of Ann Arbor
Phone: (734) 794-6000 x42198
Fax: (734) 994-8312
dewilliams@a2gov.org



City of Ann Arbor

301 E. Huron St.
Ann Arbor, MI 48104
<http://a2gov.legistar.com/C>
alendar.aspx

Meeting Minutes - Draft Building Board of Appeals

Thursday, April 10, 2014

1:30 PM City Hall, 301 E. Huron Street, 2nd Floor, Council Chambers

CALL TO ORDER

ROLL CALL

P. Darling serving as Chair for this meeting.

Staff Present:

6 - R. Welton, K. Larcom, L. Turner-Tolbert, R. Williams, T. Root, A. Howard

Present: 4 - Samuel Callan, Paul Darling, Robert Hart, and Chair Kenneth J. Winters

APPROVAL OF AGENDA

Approved as presented

APPROVAL OF MINUTES

14-0598 Final BBA Minutes for March 13, 2014

Attachments: BBA Final Meeting Minutes for 3-13-14.pdf

Approved

APPEALS, ACTIONS, AND SHOW CAUSE HEARINGS

14-0599 BBA14-0014 - Show Cause Hearing - 410 Miller

Attachments: Show Cause Hearing 410 Miller.pdf

R. Welton gave a report on the structure and explained that the property is owned by two separate owners as property line is split down the middle. Staff recommends at least partial demolition.

Lisa York, a representative from McKinley Associates, stated that McKinley is fully supportive of partial or total demolition.

Peter Sheffman, the manager of the LLC that owns the property, gave history on the property. Discussion followed regarding feasibility of rehabing only one side of the structure.

A motion was made by Hart and seconded by Callum, that in the case of the Show Cause hearing for BBA14-0014, concerning the Building at 410 Miller, Ann Arbor, MI, the Building Board of Appeals finds that the building is a

dangerous building as defined by Chapter 101 of the Ann Arbor City Ordinance, and the owners, Felch LLC and First Miller shall cause the building to be demolished or otherwise be made safe. The owners shall commence the necessary work by contacting the building official by April 24, 2014, regarding requirements or obtaining necessary permits and shall complete the work within 45 days after the April 24, 2014 date. If the owners fail to comply with this order the City shall cause the building to be demolished. The order is based on the following findings: that the building is vacant and accessible from outside non-habitants, that there is a fallen masonry wall, there is no roof on the front of the block building on Miller, the building is not well secure, a section of the roof is missing on the rear framed portion of the building and that the structure has been generally compromised.

On a voice vote, the Chair declared the motion carried unanimously.

OLD BUSINESS

BBA13-0009 - 3680 Platt Road, Ann Arbor, MI 48108

R. Welton stated that bids are being obtained for demolition.

BBA13-0005 - 1620 Waltham Road, Ann Arbor, MI 48103

Elizabeth Messing spoke on behalf of US Bank. Staff states that building is no longer dangerous and is secure.

A motion was made by Hart, and seconded by Callum, that in the case of the Show Cause hearing for BBA13-0005 concerning the building at 1620 Waltham Road, Ann Arbor, MI, the Building Board of Appeals finds that the building at this time is not a dangerous building defined by Chapter 101 of the Ann Arbor City Ordinance, and closes the proceedings noting that the building is secure and in a safe condition and awaiting further disposition after foreclosure proceedings.

On a voice vote, the Chair declared the motion carried unanimously.

BBA13-0007 - 836 Brookwood Place, Ann Arbor, MI 48104

R. Welton reported that nothing has been heard from the owner. A bank has stepped forward to claim full ownership of the property. No action required from the Board at this time.

NEW BUSINESS

14-0607 BBA14-0015 - Variance Request for 114 West Summit, Ann Arbor, MI 48103

Attachments: Staff Report 114 West Summit.pdf

T. Root gave a report on the building requirements necessary to bring it to code.

A motion was made by Hart, and seconded by Callum, that in the case of the variance request for BBA14-0015 concerning the building at 114 West Summit, Ann Arbor, MI, that the matter be tabled until Housing can go back and

reinspect the items in question to establish the habitability, the stair tread depth, the window egress size, the window size and ventilation and heat to the room are code compliant.

On a voice vote, the Chair declared the motion carried unanimously.

REPORTS AND COMMUNICATIONS

None

PUBLIC COMMENTARY - GENERAL

ADJOURNMENT

Accommodations, including sign language interpreters, may be arranged by contacting Planning and Development Services by telephone at 1-734-794-6000, x42663 or by written request addressed to Planning Development Services c/o Board of Appeals, 301 East Huron, Ann Arbor, MI 48104, at least two (2) business days in advance. Email: ahoward@a2gov.org

DRAFT

From: [Howard, Ann](#)
To: [Welton, Ralph](#)
Subject: FW:
Date: Tuesday, April 15, 2014 7:55:03 AM
Attachments: [Order and Decision ltr.pdf](#)

From: Turner-Tolbert, Lisha
Sent: Monday, April 14, 2014 4:24 PM
To: Howard, Ann
Subject:

Please call Ken to see if he can come sign tomorrow.

Thanks,

Lisha

CITY OF ANNARBOR BUILDING BOARD OF APPEALS	DECISION AND ORDER TO FELCH, LLC AND FIRST MILLER LIMITED PARTNERSHIP REGARDING DANGEROUS BUILDING	SHOW CAUSE NO: 14-0599
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TO FELCH, LLC AND FIRST MILLER LIMITED PARTNERSHIP:

THIS ORDER IS ISSUED IN THE MATTER OF THE SHOW CAUSE HEARING HELD ON APRIL 10, 2014, CONCERNING THE BUILDING, WHICH IS ON THE PROPERTY AT 410 MILLER AVENUE, ANN ARBOR, MICHIGAN, OWNED BY FELCH, LLC, AND ON A PORTION OF THE ADJACENT PROPERTY, OWNED BY FIRST MILLER LIMITED PARTNERSHIP, TO DETERMINE WHY THE BUILDING SHOULD NOT BE DEMOLISHED. A COPY OF THE LEGAL DESCRIPTION IS ATTACHED TO THIS DECISION AND ORDER.

Hearing Officers present at the Show Cause Hearing were Building Board of Appeals members Samuel Callan, Paul Darling, Robert Hart, Chair Kenneth J. Winters.

Presenting evidence and testimony on behalf of City staff was Ralph Welton, Building Official.

Peter Shefman was present at the hearing to speak on behalf of Felch, LLC, and Lisa York of McKinley, Inc. was present to speak on behalf of First Miller Limited Partnership.

Having held the Show Cause Hearing in this matter, based on the evidence and testimony presented at the hearing, the Building Board of Appeals finds that the Building is a dangerous building as defined in Chapter 101 of the Ann Arbor Code of Ordinances and orders it demolished, pursuant to the following motion and findings adopted by the Building Board of Appeals at the hearing:

Moved by R. Hart, That in the matter of the Show Cause hearing for 14-0599, concerning the building at 410 Miller Avenue, Ann Arbor, Michigan, owned by Felch, LLC, and on a portion of the adjacent property owned by First Miller Limited Partnership, the Building Board of Appeals finds that the Building is a dangerous building as defined in Chapter 101 of the Ann Arbor Code of Ordinances and that the owner(s) shall cause the building to be demolished or to be otherwise made safe. The owner(s) shall commence the necessary work by contacting the Building Official by April 24, 2014, regarding the requirements to obtain the necessary permits. The

owner(s) shall further pull such permits and shall complete the work by the 45th calendar day after the date of this decision and order. If the owner(s) does(do) not comply with this Order then the City will cause the building to be demolished.

THIS ORDER IS BASED ON THE FOLLOWING FINDINGS:

The building is vacant and accessible to outside non-inhabitants.

The building has a bowing masonry wall.

There is no roof on the front of the block building on Miller.

The building is not well secured.

There is a section of the roof missing on the rear frame portion of the building.

The general structure of the building has been compromised.

The motion was seconded by S. Callan.

On a Voice Vote – MOTION PASSED – UNANIMOUS.

FOR THIS REASON, THE BUILDING BOARD OF APPEALS ORDERS THAT
you (Felch, LLC and First Miller Limited Partnership) shall **DEMOLISH OR**
OTHERWISE MAKE SAFE the Building located on the property at 410 Miller, Ann Arbor, Michigan, and partially on the adjacent property.

THE BUILDING BOARD OF APPEALS FURTHER ORDERS THAT the work necessary to satisfy the requirements of this Order be **commenced by April 24, 2014**, and be **completed by May 27, 2014** and if you fail to comply with this Order, the City will cause the necessary work to be completed.

Date

Kenneth Winters
Chairperson, Building Board of Appeals

You have limited rights to appeal the decision and order of the building board of appeals. See Ann Arbor Code Sections 8:388, 8:387(6).

LEGAL DESCRIPTION

A PRT OF NE 1/4 OF NW 1/4 OF SEC 29, T2S, R6E, DESC AS ALL THAT PRT NORTH OF MILLER AVE AND SOUTH OF FELCH ST, LYING E OF THE ANN ARBOR R.R. ROW (50FT WIDE) AND W OF A LINE DESCRIBED AS BEING PARALLEL WITH AND 25 FT DISTANT FROM THE E ROW LINE OF SAID R.R. ROW, MORE PARTICULARLY DESCRIBED AS A LINE BEG AT A PNT 50 FT E OF THE CENTERLINE OF THE R.R. ROW AND THE NLINE OF MILLER AV, TH N 51 DEG 01' E 350.49 FT; TH N 19 DEG 56' E 646.62 FT TO THE POINT OF ENDING. CONTAINING 24930 SF +- OR .16 ACRES +- THIS DESRIPITION IS FOR PROPERTY TAXATION PURPOSES ONLY. Split on 03/02/2000 from 09-09-29-221-030; COMMONLY KNOWN AS 410 MILLER AVENUE, Tax Parcel ID 09-09-29-221-035

AND

LOTS 8 THRU 14 & PRT OF LOTS 1 THRU 7, B3N, R1E, JAMES B. GOTTS ADDITION, DESC AS COM N 1/4 COR OF SEC 29, T2S, R6E, TH N 87 DEG 53 MIN 30 SEC E 29.32 FT, TH S 2 DEG 6 MIN 30 SEC E 33 FT, TH S 4 DEG 27 MIN 50 SEC W 436.08 FT, TH N 85 DEG 51 MIN 10 SEC W 66.25 FT, TH S 4 DEG 2 MIN 10 SEC W 131.56 FT FOR POB, TH CONT S 4 DEG 2 MIN 10 SEC W 465.54 FT, TH WLY 84.87 FT, TH NWLY 29.1 FT, TH N 60 DEG 34 MIN 20 SEC W 117.71 FT, TH ALG A LINE 50 FT ELY OF CL OF ML OF AARR TRACK N 15 DEG 1 MIN 40 SEC E 350.49 FT & ALG ARC OF CIR CUR RT, RAD 3769.83 FT, CH N 15 DEG 31 MIN 45 SEC E 66 FT, TH S 83 DEG 23 MIN 50 SEC E 137.76 FT TO POB; COMMONLY KNOWN AS 310 MILLER, Tax Parcel ID 09-09-29-221-032

From: [Bahl, Sumedh](#)
To: [Turner-Tolbert, Lisha](#); [Welton, Ralph](#)
Cc: [Larcom, Kristen](#); [Williams, Debra](#)
Subject: FW: Shack at 410 Miller
Date: Tuesday, January 14, 2014 8:25:34 AM
Attachments: [00017893.DOC](#)
Importance: High

Lisha and Ralph,

Seems like this Notice and Order was never mailed for whatever reason. Please mail it today, if possible. Dates in the letter needs to be changed. Also let us try to put it on the 2/13 BBA meeting if the interested parties do not respond and if there is enough time for notifications.

Please note that it has to be mailed to both owners.

Debra can help in mailing if need be.

Thanks.

Sumedh

From: Larcom, Kristen
Sent: Wednesday, June 12, 2013 04:04 PM
To: Welton, Ralph; Turner-Tolbert, Lisha
Cc: Bahl, Sumedh
Subject: Shack at 410 Miller
Importance: High

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Kristen D. Larcom (P39550)

Senior Assistant City Attorney

City of Ann Arbor

301 East Huron Street

Ann Arbor, MI 48104

(734) 794-6185

Fax: (734) 994-4954

DANGEROUS BUILDING NOTICE AND ORDER

June 14, 2013

BY CERTIFIED MAIL, FIRST CLASS MAIL, & POSTING

First Miller Limited Partnership
c/o McKinley, Jeffrey Holman
320 N. Main Street
Ann Arbor, MI 48104

Re: 410 Miller Avenue, Ann Arbor, Michigan
Parcel Identification Number ("PIN"): 09-09-29-221-035

Dear First Miller Limited Partnership and Mr. Holman:

Records of the Ann Arbor City Assessor and the Washtenaw County Register of Deeds indicate that the building on the property located within the City of Ann Arbor at the above-referenced address ("the Property") is owned by Felch LLC c/o Peter Shefman. **However, GIS maps indicate that the building may also be partially located on property at 310 Miller Avenue owned by First Miller Limited Partnership.** The Property is more fully described in the Assessor's Records as follows:

A PRT OF NE 1/4 OF NW 1/4 OF SEC 29, T2S, R6E, DESC AS ALL THAT PRT NORTH OF MILLER AVE AND SOUTH OF FELCH ST, LYING E OF THE ANN ARBOR R.R. ROW (50FT WIDE) AND W OF A LINE DESCRIBED AS BEING PARALLEL WITH AND 25 FT DISTANT FROM THE E ROW LINE OF SAID R.R. ROW, MORE PARTICULARLY DESCRIBED AS A LINE BEG AT A PNT 50 FT E OF THE CENTERLINE OF THE R.R. ROW AND THE NLINE OF MILLER AV, TH N 51 DEG 01' E 350.49 FT; TH N 19 DEG 56' E 646.62 FT TO THE POINT OF ENDING. CONTAINING 24930 SF +- OR .16 ACRES +- THIS DESCRIPTION IS FOR PROPERTY TAXATION PURPOSES ONLY. Split on 03/02/2000 from 09-09-29-221-030;

This letter is to provide notice that the City finds that the building on the Property is a dangerous building as defined in provisions of **Section 8:382 of Chapter 101** of the Ann Arbor City Code, including but not limited to subsection[s] 2, 6, 7, 9, and 10. A copy of Chapter 101 is enclosed. Specific defects that render the building[s] dangerous include, but are not limited to, the following:

- Shed/barn -- Compromised envelope including: broken window panes, unsecured, weathered, and delaminated plywood, entry points throughout, structural shifting and wracking, roof compromised.

Pursuant to this letter, you are required to repair the above defects or demolish the building.

In order to get started, **you must contact me no later than 4:00 p.m. on June 21, 2013.** You can reach me by email or telephone (leave a message if I don't answer). When you contact me, please provide a means by which I may get in touch with you.

You are further required to complete the necessary repairs or demolish the building by July 5, 2013. You must obtain all necessary permits to perform any work on the Property.

The City would prefer that this danger to the public be eliminated by your voluntary compliance, which can be facilitated by communicating with me. However, failure to comply with either of these dates will result in an order requiring you to appear at a public hearing of the Building Board of Appeals at which a demolition order will be recommended and other possible legal action may be taken.

As indicated above, the only other party known to the City with an interest in the building is Felch LLC c/o Peter Shefman, to whom a Notice & Order similar to this one has already been sent.

Sincerely,

Ralph Welton, Building Official
City of Ann Arbor Construction Services
(734) 794-6261, rwelton@a2gov.org

Enclosure

cc: Sumedh Bahl, Community Services Area Administrator
Kristen D. Larcom, Senior Asst. City Attorney

From: [Bahl, Sumedh](#)
To: [Welton, Ralph](#); [Turner-Tolbert, Lisha](#); [Larcom, Kristen](#)
Subject: FW: Status of dangerous buildings and fund
Date: Wednesday, April 30, 2014 8:10:27 AM
Attachments: [Dangerous Buildings Status.docx](#)

FYI. I intend to provide periodic updates regarding dangerous buildings to Mr. Powers.

Sumedh

From: Bahl, Sumedh
Sent: Tuesday, April 29, 2014 2:41 PM
To: Powers, Steve
Subject: Status of dangerous buildings and fund

Attached memo summarizes status of dangerous buildings staff has been dealing with and funds Council allocated to abate dangerous buildings. Please let me know if any additional information is needed.

Sumedh

MEMORANDUM

TO: Steve Power, City Administrator
FROM: Sumedh Bahl, Community Services Area Administrator
DATE: April 29, 2014
SUBJECT: Status of Dangerous Buildings and Associated Fund

In February 2012, City Council allocated \$250K for the abatement of dangerous buildings. Since that time City's Building Official has addressed a number of structures considered to be dangerous in accordance with chapter 101 of the City Code.

I would like to share the process City is currently following to address a structure (building) that is identified as dangerous and is as follows:

When City staff becomes aware of a dilapidated building, City's Building Official visits the property to assess the situation. If Building official determines that the building needs attention, he contacts the property owner or other parties with interest in the property to address the situation identified. This could be structure in disrepair, unsecured and posing a danger in the neighborhood. Building Official tries to work with the property owners to resolve the situation. In case, the property owner is unresponsive to the Building Official, then Building Official begins the proceedings by issuing a dangerous Building Notice and Order to contact him and provide a plan to address the situation. Normally a property owner is given about two weeks to respond. If the property owner is non-responsive to Notice and Order or property owner's plan is unacceptable, the property is presented to The Building Board of Appeals (BBA). The BBA can order the building be demolished or repaired and made safe. BBA's decision can be appealed by the property owner or the City within a week to the City Council or within 20 days in the Circuit Court.

Following table summarizes the status of buildings which have been identified dangerous since February 2012:

Property	Current Status	Presented to BBA
175 N Maple Rd	Demolished by owner	Yes
704 N Main-724 N Main (6 structures)	Demolished by City	Yes
3010 Dexter Rd	Demolished by owner	Yes
Garage at 2415 Dorchester	Demolished by City	Yes
1480 South Blvd	Demolished by HUD	Did not need to present to BBA
3123 Cherry Tree Lane	City procuring bids for demolition	Yes

836 Brookwood Place	BBA ordered property owner to complete repairs by May 20, 2014. If repairs are not completed by that time, City should demolish it.	Yes
800 N. Main	City procuring bids for demolition	Yes
829 Miller	Rehabilitated after Building Official contacted property owner	Did not need to present to BBA
833 Miller	Rehabilitation began after Building official contacted property owner	Did not need to present to BBA
Garage at 111 W Summit	Garage demolished by property owner after Building official contacted them	Did not need to present to BBA
410 Miller	BBA ordered property owners to either demolish the structure or complete repairs by June 9, 2014. In case owners do not comply with BBA's order, City shall demolish the structure.	Yes
1620 Waltham	Building has been secured and wait further disposition after foreclosure proceedings.	Yes
2365 Pinecrest	BBA tabled until its May 8, 2014 meeting	Yes
3680 Platt Rd	City is proceeding with demolition. City is currently verifying utility disconnects prior to demolition.	Yes

As you may notice that there are a number of these properties for which property owner has either addressed or is in the process of addressing the situation.

Status of fund

Since February 2012, City has spent a total of \$71,383.00 for demolition of structures on N Main (\$68,383.00) and the garage at 2415 Dorchester (\$3,000.00). Property owners were invoiced for City's cost of demolition. Property owner of N Main has paid the invoice (\$68,000.00). Property owner of 2415 Dorchester did not pay the invoice (\$3,000.00) and the City Treasurer is collecting this unpaid invoice per the procedures in the City Code.

From: [lightertimes](#)
To: [Welton, Ralph](#)
Subject: Meeting with my architect clarify what changes to 410 Miller
Date: Wednesday, May 07, 2014 3:53:51 PM

Ralph Welton- City of Ann Arbor Building Dept 5-7-2014
Re: 410 Miller repair

I was directed by past contact with your offices, to set up a meeting with my architect to discuss in more clarification regarding the repairs to 410 Miller. On 5-7-2014 I was in the building dept office at 9:45 am in an attempt to arrange a meeting with my architect. I returned later again at 12:45 as directed. My architect is very familiar with this property, worked on it before, and wishes to sit down with you to further clarify what is necessary for 410 Miller. He was available today and asked me to see if a time might be open. I stayed quite a while as suggested since I was told you might return soon. Since you do not seem to have anyone else who can set an appointment up, that is why I felt I must show up in person in an effort to arrange a meeting.

Pursuant the city's guidelines , "Time is of the Essence" I am trying to cooperate but requires access to be able to convey the city's desires to assist the process to move forward as we discussed. The architect next available again on Friday 5-9-2014 and will try to fit in to your availability to discuss what to do. Can a meeting be set up this Friday especially due to imposed limitations set by the City.

My telephone number is [REDACTED] email [REDACTED]
Thank you for your assistance, Felch LLC by Peter Shefman

NOTE: I have no business relationship with Wayne Applegate who I have learned has made inquiry with the city about 410 Miller.

From: [Welton, Ralph](#)
To: [Kahan, Jeffrey](#); [Bahl, Sumedh](#)
Cc: [Larcom, Kristen](#)
Subject: RE: 410 Miller (abandoned building)
Date: Sunday, January 12, 2014 9:31:00 AM

Jeff:
The last I heard from Kristen, [REDACTED] If that is changed, I'll be happy to take it to the February BBA.

Ralph Welton
Chief Development Official
Planning & Development Services
(734) 794-6261

From: Kahan, Jeffrey
Sent: Friday, January 10, 2014 03:31 PM
To: Welton, Ralph; Bahl, Sumedh
Cc: Larcom, Kristen
Subject: 410 Miller (abandoned building)

Hi Ralph and Sumedh,

I wanted to ask you about the status of this blighted property. It continues to deteriorate and trees seem to be the only thing holding up the east wall.

Kristen indicated that you two were aware of where we stood with regard to the structure and its removal.

Thanks.

Jeff

From: [Cheng, Christopher](#)
To: [Hancock, Jerry](#); [Welton, Ralph](#)
Subject: RE: 410 Miller
Date: Thursday, June 12, 2014 3:58:20 PM

Has anybody contacted the applicant? There's a note from John Swantek stating "contact Jerry Hancock."

From: Hancock, Jerry
Sent: Monday, June 02, 2014 11:49 AM
To: Cheng, Christopher; Welton, Ralph
Subject: RE: 410 Miller

Chris and Ralph,

I put the following comments into Trakit for 410 Miller:

According to the City Assessor the existing structure has no value. As such, any improvements would exceed 50% of the market value of the structure and kick in the flood resistant construction standards per the Michigan Building Code. The structure must be elevated or floodproofed to 1 foot above the Base Flood Elevation (BFE = 793.7 ft). The building plans must be revised to include all necessary work to accomplish the required elevation or floodproofing. Note: the existing grade at the building is roughly 792, so the elevation or floodproofing would need to extend about 3 feet above grade.

The plans must be accompanied by an completed Elevation Certificate.

If floodproofing is chosen, the plans must certified by a professional engineer or architect, and a Floodproofing Certificate submitted with the plans.

For floodproofing guidance see FEMA TECHNICAL BULLETIN 3-93 - <https://www.fema.gov/media-library/assets/documents/3473>

I have not contacted the applicant.

Jerry Hancock, CFM
Stormwater and Floodplain Programs Coordinator
Systems Planning Unit
City of Ann Arbor Public Services
301 E. Huron St.
Ann Arbor, MI 48107
Phone - 734-794-6430 ex. 43709

From: Cheng, Christopher
Sent: Monday, June 02, 2014 10:37 AM
To: Hancock, Jerry
Subject: 410 Miller

Mr. Shefman has submitted a bldg application to repair the structure abutting the RR tracks. Also in floodplain so I'd like your input. Cost of repair is listed at \$5,000.

Chris Cheng, AICP
301 E. Huron Street
Ann Arbor, MI 48107
ccheng@a2gov.org
734-794-6000 x 42616

From: [Hancock, Jerry](#)
To: [Cheng, Christopher](#); [Welton, Ralph](#)
Subject: RE: 410 Miller
Date: Monday, June 02, 2014 11:49:21 AM

Chris and Ralph,

I put the following comments into Trakit for 410 Miller:

According to the City Assessor the existing structure has no value. As such, any improvements would exceed 50% of the market value of the structure and kick in the flood resistant construction standards per the Michigan Building Code. The structure must be elevated or floodproofed to 1 foot above the Base Flood Elevation (BFE = 793.7 ft). The building plans must be revised to include all necessary work to accomplish the required elevation or floodproofing. Note: the existing grade at the building is roughly 792, so the elevation or floodproofing would need to extend about 3 feet above grade.

The plans must be accompanied by an completed Elevation Certificate.

If floodproofing is chosen, the plans must certified by a professional engineer or architect, and a Floodproofing Certificate submitted with the plans.

For floodproofing guidance see FEMA TECHNICAL BULLETIN 3-93 - <https://www.fema.gov/media-library/assets/documents/3473>

I have not contacted the applicant.

Jerry Hancock, CFM
Stormwater and Floodplain Programs Coordinator
Systems Planning Unit
City of Ann Arbor Public Services
301 E. Huron St.
Ann Arbor, MI 48107
Phone - 734-794-6430 ex. 43709

From: Cheng, Christopher
Sent: Monday, June 02, 2014 10:37 AM
To: Hancock, Jerry
Subject: 410 Miller

Mr. Shefman has submitted a bldg application to repair the structure abutting the RR tracks. Also in floodplain so I'd like your input. Cost of repair is listed at \$5,000.

Chris Cheng, AICP
301 E. Huron Street
Ann Arbor, MI 48107
ccheng@a2gov.org
734-794-6000 x 42616

From: [Hancock, Jerry](#)
To: [Cheng, Christopher](#); [Welton, Ralph](#)
Subject: RE: 410 Miller
Date: Thursday, June 12, 2014 4:02:33 PM

Chris,

Pete was definitely made aware of the floodplain issues, he has occupied my office several times since, and he has been corresponding with several MDEQ Floodplain people who have then discussed it with me.

Ralph,

When does Pete run out of time (according to the BBA)?

Jerry Hancock, CFM
Stormwater and Floodplain Programs Coordinator
Systems Planning Unit
City of Ann Arbor Public Services
301 E. Huron St.
Ann Arbor, MI 48107
Phone - 734-794-6430 ex. 43709

From: Cheng, Christopher
Sent: Thursday, June 12, 2014 3:58 PM
To: Hancock, Jerry; Welton, Ralph
Subject: RE: 410 Miller

Has anybody contacted the applicant? There's a note from John Swantek stating "contact Jerry Hancock."

From: Hancock, Jerry
Sent: Monday, June 02, 2014 11:49 AM
To: Cheng, Christopher; Welton, Ralph
Subject: RE: 410 Miller

Chris and Ralph,

I put the following comments into Trakit for 410 Miller:

According to the City Assessor the existing structure has no value. As such, any improvements would exceed 50% of the market value of the structure and kick in the flood resistant construction standards per the Michigan Building Code. The structure must be elevated or floodproofed to 1 foot above the Base Flood Elevation (BFE = 793.7 ft). The building plans must be revised to include all necessary work to accomplish the required elevation or floodproofing. Note: the existing grade at the building is roughly 792, so the elevation or floodproofing would need to extend about 3 feet above grade.

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Stormwater and Floodplain Programs Coordinator
Systems Planning Unit
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Phone - 734-794-6430 ex. 43709

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Chris Cheng, AICP
301 E. Huron Street
Ann Arbor, MI 48107
ccheng@a2gov.org
734-794-6000 x 42616

From: [Williams, Debra](#)
To: [Welton, Ralph](#)
Subject: RE: June 2014 BBA meeting
Date: Wednesday, May 28, 2014 1:40:58 PM
Attachments: [Show Cause Hearing 410 Miller.pdf](#)
[Show Cause 410 Miller - Felch.pdf](#)
[Show Cause 410 Miller - First.pdf](#)
[410 Miller Ave -- Notice Order.pdf](#)
[Decision and Order Notice 836 Brookwood.pdf](#)
[reminder 836 brookwood.pdf](#)
[Show Cause Hearing 836 Brookwood 2-13-14.pdf](#)
[836 Brookwood - Feb Notice and Order.pdf](#)
[836 Brookwood - Feb Show Cause.pdf](#)
[Show Cause 836 Brookwood.pdf](#)
[Motion for 2365 Pinecrest.pdf](#)
[Show Cause 2365 Pinecrest.pdf](#)

This is what I have. It's possible that if it's not in TrakIt, anything else would be with Ann.

Debra Williams
Management Assistant/
Special Events Coordinator
Community Services
City of Ann Arbor
Phone: (734) 794-6000 x42198
Fax: (734) 994-8312
dewilliams@a2gov.org

From: Welton, Ralph
Sent: Wednesday, May 28, 2014 1:03 PM
To: Williams, Debra
Subject: FW: June 2014 BBA meeting

Can you forward the notice & orders for Miller, Brookfield, & Pinecrest? I'll update them.

Ralph Welton
Chief Development Official
Planning & Development Services
(734) 794-6261

From: Welton, Ralph
Sent: Wednesday, May 28, 2014 12:59 PM
To: Bahl, Sumedh; Turner-Tolbert, Lisha
Subject: RE: June 2014 BBA meeting

This is what I see.

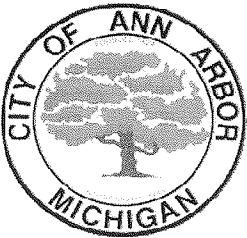
410 Miller – time frame in motion runs out 6/10. Owner wants extension.
114 W. Summit – housing (Terry Root) was to inspect attic.
836 Brookfield – notice & order (due to cancellation of May meeting)
2365 Pinecrest – notice & order (due to extension for mortgager)

**Ralph Welton
Chief Development Official
Planning & Development Services
(734) 794-6261**

From: Bahl, Sumedh
Sent: Wednesday, May 28, 2014 11:48 AM
To: Turner-Tolbert, Lisha; Welton, Ralph
Subject: June 2014 BBA meeting

What is on the agenda for June BBA meeting and are the staff reports ready for agenda items?

Sumedh



**RALPH WELTON
CHIEF DEVELOPMENT OFFICIAL
CITY OF ANN ARBOR, MICHIGAN**

Community Services Area
Planning & Development Services Unit
301 East Huron, P.O. Box 8647,
Ann Arbor, Michigan 48107-8647
Phone: (734) 794-6261
Fax: (734) 994-8460
rwelton@a2gov.org

**DANGEROUS BUILDING
ORDER TO SHOW CAUSE ON APRIL 10, 2014**

March 5, 2014

BY CERTIFIED MAIL, FIRST CLASS MAIL, & POSTING

Felch LLC
Peter Shefman
3140 Lakewood Dr
Ann Arbor, MI 48103

Re: 410 Miller Avenue, Ann Arbor, Michigan
Parcel Identification Number ("PIN"): 09-09-29-221-035

Dear Felch, LLC and Mr. Shefman:

A Dangerous Building Notice and Order, a copy of which is enclosed and made part of this Order to Show Cause, was served on you on the date indicated informing you that the building that you own and/or have an interest in at the above-referenced address is a dangerous building, as defined in Section 8:382 of the Ann Arbor City Code. Your building was deemed dangerous pursuant to the provisions listed in the enclosed Notice and Order due to the conditions listed therein.

Inspection reveals that you have not undertaken the work necessary to demolish the building or to otherwise make it safe.

Therefore, this is your notice that a public hearing, which you and/or your attorney are ordered to attend, will be conducted by the Ann Arbor Building Board of Appeals on April 10, 2014, at 1:30 p.m. on the 2nd floor City Council Chambers in the Ann Arbor

City Hall. At the hearing you will have an opportunity to show cause why you should not be required to demolish or otherwise make safe the building at the above-referenced address, which is more specifically described as follows:

A PRT OF NE 1/4 OF NW 1/4 OF SEC 29, T2S, R6E, DESCR AS ALL THAT PRT NORTH OF MILLER AVE AND SOUTH OF FELCH ST, LYING E OF THE ANN ARBOR R.R. ROW (50FT WIDE) AND W OF A LINE DESCRIBED AS BEING PARALLEL WITH AND 25 FT DISTANT FROM THE E ROW LINE OF SAID R.R. ROW, MORE PARTICULARLY DESCRIBED AS A LINE BEG AT A PNT 50 FT E OF THE CENTERLINE OF THE R.R. ROW AND THE NLINE OF MILLER AV, TH N 51 DEG 01' E 350.49 FT; TH N 19 DEG 56' E 646.62 FT TO THE POINT OF ENDING. CONTAINING 24930 SF +- OR .16 ACRES +- THIS DESCRIPTION IS FOR PROPERTY TAXATION PURPOSES ONLY. Split on 03/02/2000 from 09-09-29-221-030;

The Building Board of Appeals will take your testimony and the testimony of any other interested persons. Please bring any evidence you wish to submit to the Board. A copy of this Dangerous Building Order to Show Cause is being filed with the Washtenaw County Register of Deeds.

The Ann Arbor City Hall is located at 301 East Huron, Ann Arbor Michigan.

If you have any questions please contact me by e-mail or phone.

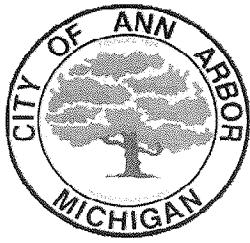
Sincerely,



Ralph Welton, Building Official
City of Ann Arbor Construction Services
(734) 794-6261, rwelton@a2gov.org

Enclosures

cc: Sumedh Bahl, Community Services Area Administrator
Kristen D. Larcom, Senior Asst. City Attorney



**RALPH WELTON
CHIEF DEVELOPMENT OFFICIAL
CITY OF ANN ARBOR, MICHIGAN**

Community Services Area
Planning & Development Services Unit
301 East Huron, P.O. Box 8647,
Ann Arbor, Michigan 48107-8647
Phone: (734) 794-6261
Fax: (734) 994-8460
rwelton@a2gov.org

**DANGEROUS BUILDING
ORDER TO SHOW CAUSE ON APRIL 10, 2014**

March 5, 2014

BY CERTIFIED MAIL, FIRST CLASS MAIL, & POSTING

First Miller Limited Partnership
c/o McKinley, Jeffrey Holman
320 N. Main Street
Ann Arbor, MI 48104

Re: 410 Miller Avenue, Ann Arbor, Michigan
Parcel Identification Number ("PIN"): 09-09-29-221-035

Dear First Miller Limited Partnership and Mr. Holman:

A Dangerous Building Notice and Order, a copy of which is enclosed and made part of this Order to Show Cause, was served on you on the date indicated informing you that the building that you own and/or have an interest in at the above-referenced address is a dangerous building, as defined in Section 8:382 of the Ann Arbor City Code. Your building was deemed dangerous pursuant to the provisions listed in the enclosed Notice and Order due to the conditions listed therein.

Inspection reveals that you have not undertaken the work necessary to demolish the building or to otherwise make it safe.

Therefore, this is your notice that a public hearing, which you and/or your attorney are ordered to attend, will be conducted by the Ann Arbor Building Board of Appeals on April 10, 2014, at 1:30 p.m. on the 2nd floor City Council Chambers in the Ann Arbor

City Hall. At the hearing you will have an opportunity to show cause why you should not be required to demolish or otherwise make safe the building at the above-referenced address, which is more specifically described as follows:

A PRT OF NE 1/4 OF NW 1/4 OF SEC 29, T2S, R6E, DESCR AS ALL THAT PRT NORTH OF MILLER AVE AND SOUTH OF FELCH ST, LYING E OF THE ANN ARBOR R.R. ROW (50FT WIDE) AND W OF A LINE DESCRIBED AS BEING PARALLEL WITH AND 25 FT DISTANT FROM THE E ROW LINE OF SAID R.R. ROW, MORE PARTICULARLY DESCRIBED AS A LINE BEG AT A PNT 50 FT E OF THE CENTERLINE OF THE R.R. ROW AND THE NLINE OF MILLER AV, TH N 51 DEG 01' E 350.49 FT; TH N 19 DEG 56' E 646.62 FT TO THE POINT OF ENDING. CONTAINING 24930 SF +- OR .16 ACRES +- THIS DESCRIPTION IS FOR PROPERTY TAXATION PURPOSES ONLY. Split on 03/02/2000 from 09-09-29-221-030;

The Building Board of Appeals will take your testimony and the testimony of any other interested persons. Please bring any evidence you wish to submit to the Board. A copy of this Dangerous Building Order to Show Cause is being filed with the Washtenaw County Register of Deeds.

The Ann Arbor City Hall is located at 301 East Huron, Ann Arbor Michigan.

If you have any questions please contact me by e-mail or phone.

Sincerely,



Ralph Welton, Building Official
City of Ann Arbor Construction Services
(734) 794-6261, rwelton@a2gov.org

Enclosures

cc: Sumedh Bahl, Community Services Area Administrator
Kristen D. Larcom, Senior Asst. City Attorney

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

Building Board of Appeals Show-Cause Hearing of April 10, 2014

Subject: 410 Miller, Ann Arbor, MI 48108 PIN#090929221035

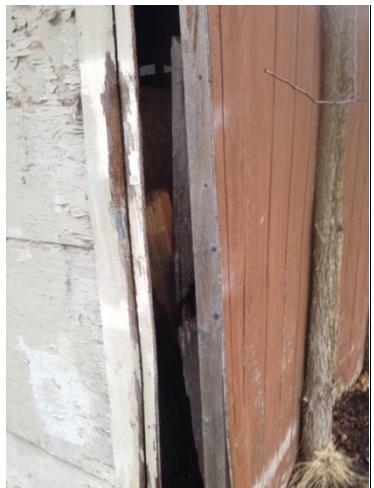
Legal Description of Property:

A PRT OF NE 1/4 OF NW 1/4 OF SEC 29, T2S, R6E, DESCR AS ALL THAT PRT NORTH OF MILLER AVE AND SOUTH OF FELCH ST, LYING E OF THE ANN ARBOR R.R. ROW (50FT WIDE) AND W OF A LINE DESCRIBED AS BEING PARALLEL WITH AND 25 FT DISTANT FROM THE E ROW LINE OF SAID R.R. ROW, MORE PARTICULARLY DESCRIBED AS A LINE BEG AT A PNT 50 FT E OF THE CENTERLINE OF THE R.R. ROW AND THE NLINE OF MILLER AV, TH N 51 DEG 01' E 350.49 FT; TH N 19 DEG 56' E 646.62 FT TO THE POINT OF ENDING. CONTAINING 24930 SF +- OR .16 ACRES +- THIS DESRIPTION IS FOR PROPERTY TAXATION PURPOSES ONLY. Split on 03/02/2000 from 09-09-29-221-030.

Description and Discussion:

Vacant and dangerous. Owner is attempting to develop a long narrow paid parking area on site. Building is divided on the property line with an interior partition wall. Neither side is well maintained. Staff recommends demolition of the structure.





Ralph Welton, Building Official
City of Ann Arbor Construction Services



**RALPH WELTON
CHIEF DEVELOPMENT OFFICIAL
CITY OF ANN ARBOR, MICHIGAN**

Community Services Area
Planning & Development Services Unit
301 East Huron, P.O. Box 8647,
Ann Arbor, Michigan 48107-8647
Phone: (734) 794-6261
Fax: (734) 994-8460
rwelton@a2gov.org

**DANGEROUS BUILDING
ORDER TO SHOW CAUSE ON APRIL 10, 2014**

March 5, 2014

BY CERTIFIED MAIL, FIRST CLASS MAIL, & POSTING

Felch LLC
Peter Shefman
3140 Lakewood Dr
Ann Arbor, MI 48103

Re: 410 Miller Avenue, Ann Arbor, Michigan
Parcel Identification Number ("PIN"): 09-09-29-221-035

Dear Felch, LLC and Mr. Shefman:

A Dangerous Building Notice and Order, a copy of which is enclosed and made part of this Order to Show Cause, was served on you on the date indicated informing you that the building that you own and/or have an interest in at the above-referenced address is a dangerous building, as defined in Section 8:382 of the Ann Arbor City Code. Your building was deemed dangerous pursuant to the provisions listed in the enclosed Notice and Order due to the conditions listed therein.

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City Hall. At the hearing you will have an opportunity to show cause why you should not be required to demolish or otherwise make safe the building at the above-referenced address, which is more specifically described as follows:

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The Building Board of Appeals will take your testimony and the testimony of any other interested persons. Please bring any evidence you wish to submit to the Board. A copy of this Dangerous Building Order to Show Cause is being filed with the Washtenaw County Register of Deeds.

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If you have any questions please contact me by e-mail or phone.

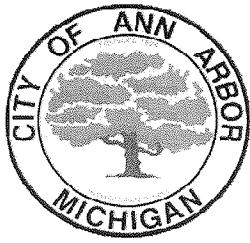
Sincerely,



Ralph Welton, Building Official
City of Ann Arbor Construction Services
(734) 794-6261, rwelton@a2gov.org

Enclosures

cc: Sumedh Bahl, Community Services Area Administrator
Kristen D. Larcom, Senior Asst. City Attorney



**RALPH WELTON
CHIEF DEVELOPMENT OFFICIAL
CITY OF ANN ARBOR, MICHIGAN**

Community Services Area
Planning & Development Services Unit
301 East Huron, P.O. Box 8647,
Ann Arbor, Michigan 48107-8647
Phone: (734) 794-6261
Fax: (734) 994-8460
rwelton@a2gov.org

**DANGEROUS BUILDING
ORDER TO SHOW CAUSE ON APRIL 10, 2014**

March 5, 2014

BY CERTIFIED MAIL, FIRST CLASS MAIL, & POSTING

First Miller Limited Partnership
c/o McKinley, Jeffrey Holman
320 N. Main Street
Ann Arbor, MI 48104

Re: 410 Miller Avenue, Ann Arbor, Michigan
Parcel Identification Number ("PIN"): 09-09-29-221-035

Dear First Miller Limited Partnership and Mr. Holman:

A Dangerous Building Notice and Order, a copy of which is enclosed and made part of this Order to Show Cause, was served on you on the date indicated informing you that the building that you own and/or have an interest in at the above-referenced address is a dangerous building, as defined in Section 8:382 of the Ann Arbor City Code. Your building was deemed dangerous pursuant to the provisions listed in the enclosed Notice and Order due to the conditions listed therein.

Inspection reveals that you have not undertaken the work necessary to demolish the building or to otherwise make it safe.

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The Building Board of Appeals will take your testimony and the testimony of any other interested persons. Please bring any evidence you wish to submit to the Board. A copy of this Dangerous Building Order to Show Cause is being filed with the Washtenaw County Register of Deeds.

The Ann Arbor City Hall is located at 301 East Huron, Ann Arbor Michigan.

If you have any questions please contact me by e-mail or phone.

Sincerely,



Ralph Welton, Building Official
City of Ann Arbor Construction Services
(734) 794-6261, rwelton@a2gov.org

Enclosures

cc: Sumedh Bahl, Community Services Area Administrator
Kristen D. Larcom, Senior Asst. City Attorney



RALPH WELTON
CHIEF DEVELOPMENT OFFICIAL
CITY OF ANN ARBOR, MICHIGAN

Community Services Area
Planning & Development Services Unit
301 East Huron, P.O. Box 8647,
Ann Arbor, Michigan 48107-8647
Phone: (734) 794-6261
Fax: (734) 994-8460
rwelton@a2gov.org

DANGEROUS BUILDING NOTICE AND ORDER

January 14, 2014

BY CERTIFIED MAIL, FIRST CLASS MAIL, & POSTING

First Miller Limited Partnership
c/o McKinley, Jeffrey Holman
320 N. Main Street
Ann Arbor, MI 48104

Re: 410 Miller Avenue, Ann Arbor, Michigan
Parcel Identification Number ("PIN"): 09-09-29-221-035

Dear First Miller Limited Partnership and Mr. Holman:

Records of the Ann Arbor City Assessor and the Washtenaw County Register of Deeds indicate that the building on the property located within the City of Ann Arbor at the above-referenced address ("the Property") is owned by Felch LLC c/o Peter Shefman. **However, GIS maps indicate that the building may also be partially located on property at 310 Miller Avenue owned by First Miller Limited Partnership.** The Property is more fully described in the Assessor's Records as follows:

A PRT OF NE 1/4 OF NW 1/4 OF SEC 29, T2S, R6E, DESCRIPTIVE AS ALL THAT PRT NORTH OF MILLER AVE AND SOUTH OF FELCH ST, LYING E OF THE ANN ARBOR R.R. ROW (50FT WIDE) AND W OF A LINE DESCRIBED AS BEING PARALLEL WITH AND 25 FT DISTANT FROM THE E ROW LINE OF SAID R.R. ROW, MORE PARTICULARLY DESCRIBED AS A LINE BEG AT A PNT 50 FT E OF THE CENTERLINE OF THE R.R. ROW AND THE NLINE OF MILLER AV, TH N 51 DEG 01' E 350.49 FT; TH N 19 DEG 56' E 646.62 FT TO THE POINT OF ENDING. CONTAINING 24930 SF +- OR .16 ACRES +- THIS DESCRIPTION IS FOR PROPERTY TAXATION PURPOSES ONLY. Split on 03/02/2000 from 09-09-29-221-030;

This letter is to provide notice that the City finds that the building on the Property is a dangerous building as defined in provisions of **Section 8:382 of Chapter 101** of the Ann Arbor City Code, including but not limited to subsection[s] 2, 6, 7, 9, and 10. A copy of

Chapter 101 is enclosed. Specific defects that render the building[s] dangerous include, but are not limited to, the following:

- Shed/barn -- Compromised envelope including: broken window panes, unsecured, weathered, and delaminated plywood, entry points throughout, structural shifting and wracking, roof compromised.

Pursuant to this letter, you are required to repair the above defects or demolish the building.

In order to get started, **you must contact me no later than 4:00 p.m. on January 29, 2014**. You can reach me by email or telephone (leave a message if I don't answer). When you contact me, please provide a means by which I may get in touch with you.

You are further required to complete the necessary repairs or demolish the building by February 12, 2014. You must obtain all necessary permits to perform any work on the Property.

The City would prefer that this danger to the public be eliminated by your voluntary compliance, which can be facilitated by communicating with me. However, failure to comply with either of these dates will result in an order requiring you to appear at a public hearing of the Building Board of Appeals at which a demolition order will be recommended and other possible legal action may be taken.

As indicated above, the only other party known to the City with an interest in the building is Felch LLC c/o Peter Shefman, to whom a Notice & Order similar to this one has already been sent.

Sincerely,



Ralph Welton, Building Official
City of Ann Arbor Construction Services
(734) 794-6261, rwelton@a2gov.org

Enclosure

cc: Sumedh Bahl, Community Services Area Administrator
Kristen D. Larcom, Senior Asst. City Attorney

CITY OF ANNARBOR BUILDING BOARD OF APPEALS	DECISION AND ORDER TO GORDON OTTO LARSEN REGARDING DANGEROUS BUILDING	SHOW CAUSE NO: BBA 13-0007
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TO GORDON OTTO LARSEN:

THIS ORDER IS ISSUED IN THE MATTER OF THE SHOW CAUSE HEARINGS HELD ON DECEMBER 19, 2013, AND CONTINUED ON FEBRUARY 13, 2014, AND MARCH 13, 2014, CONCERNING THE BUILDING ON THE PROPERTY AT 836 BROOKWOOD PLACE, ANN ARBOR, MICHIGAN, ("THE BUILDING") OWNED BY YOU, TO DETERMINE WHY THE BUILDING SHOULD NOT BE DEMOLISHED. A COPY OF THE LEGAL DESCRIPTION IS ATTACHED TO THIS DECISION AND ORDER.

Hearing Officers present at the Show Cause Hearings were Building Board of Appeals members Samuel Callan, Paul Darling, Robert Hart, Chair Kenneth J. Winters.

Presenting evidence and testimony on behalf of City staff was Ralph Welton, Building Official on all dates and Lisha Turner-Tolbert, Planning and Development Programs and Project Manager on March 13, 2014.

The property owner, Gordon Otto Larsen, was at the hearings to speak on his behalf on December 19, 2013, and February 13, 2014, but was not present on March 13, 2013.

Having held the Show Cause Hearing in this matter, based on the evidence and testimony presented at the hearing, the Building Board of Appeals finds that the Building is a dangerous building as defined in Chapter 101 of the Ann Arbor Code of Ordinances and orders it demolished, pursuant to the following motion and findings adopted by the Building Board of Appeals at the hearing:

Moved by R. Hart, That in the matter of the Show Cause hearing for 2013-BBA-13-0007, concerning the building at 836 Brookwood Place, Ann Arbor, Michigan, owned by Gordon Otto Larsen, the Building Board of Appeals finds that the Building is a dangerous building as defined in Chapter 101 of the Ann Arbor Code of Ordinances and that the owner shall cause the building to be demolished or to be otherwise made safe. The owner shall commence the necessary work by contacting the Building Official by the 7th calendar day after the date of this decision and order regarding the requirements to obtain the necessary permits. The owner shall further pull such permits and shall complete the work by the 60th

calendar day after the date of this decision and order. If the owner does not comply with this Order then the City will cause the building to be demolished.

THIS ORDER IS BASED ON THE FOLLOWING FINDINGS:

The sun room is collapsing.
The foundation is structurally compromised.
The front porch is collapsing.
The building has been unoccupied for more than 180 days.
There are significant penetrations in the roof.

The motion was seconded by S. Callan.

On a Voice Vote – MOTION PASSED – UNANIMOUS.

FOR THIS REASON, THE BUILDING BOARD OF APPEALS ORDERS THAT
you (Gordon Otto Larsen) shall **DEMOLISH OR OTHERWISE MAKE SAFE** the
Building on the property at 836 Brookwood Place, Ann Arbor, Michigan.

THE BUILDING BOARD OF APPEALS FURTHER ORDERS THAT the work
necessary to satisfy the requirements of this Order be **commenced by March 27, 2014,**
and be completed by May 19, 2014, and if you fail to comply with this Order, the City
will cause the necessary work to be completed.

20 MARCH 2014

Date



Kenneth Winters,

Chairperson

Building Board of Appeals

You have limited rights to appeal the decision and order of the building board of appeals. See Ann Arbor Code Sections 8:388, 8:387(6).

LEGAL DESCRIPTION

Tax Parcel Identification Number: 09-09-33-216-022

Lot 14, Assessor's Plat No. 13, as recorded in Liber 8 of Plats, Page(s) 51,
Washtenaw County Records

Commonly known as: 836 Brookwood Place, Ann Arbor, MI 48104



RALPH WELTON
CHIEF DEVELOPMENT OFFICIAL
CITY OF ANN ARBOR, MICHIGAN

Community Services Area
Planning & Development Services Unit
301 East Huron, P.O. Box 8647,
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Phone: (734) 794-6261
Fax: (734) 994-8460
rwelton@a2gov.org

**REMINDER NOTICE
BUILDING BOARD OF APPEALS HEARING
MARCH 13, 2014**

March 6, 2014

BY CERTIFIED MAIL & FIRST CLASS MAIL

Gordon Otto Larsen
836 Brookwood Place
Ann Arbor, MI 48104

Re: 836 Brookwood Place, Ann Arbor, MI 48104
Parcel Identification Number 09-09-33-216-022

Legal Description: Lot 14, Assessor's Plat No. 13, as recorded in Liber 8
of Plats, Page(s) 51, Washtenaw County Records

Dear Mr. Larsen:

This letter serves as a reminder that you are asked to appear at the next Building Board of Appeals hearing to be held on Thursday, March 13 at 1:30 p.m. on the 2nd floor City Council Chambers in the Ann Arbor City Hall, 301 East Huron Street. At this hearing the Board will make a final determination as to the disposition of this property.

If you have any questions please contact me by e-mail or phone.

Sincerely,

A handwritten signature in black ink that reads "Ralph Welton".

Ralph Welton, Building Official
City of Ann Arbor Construction Services
(734) 794-6261, rwelton@a2gov.org

cc (w/enclosure) by certified and first class mail to:

JPMorgan Chase Bank, N.A.
1111 Polaris Parkway
Columbus, OH 43240

cc: Sumedh Bahl, Community Services Area Administrator
Kristen D. Larcom, Senior Asst. City Attorney



RALPH WELTON
CHIEF DEVELOPMENT OFFICIAL
CITY OF ANN ARBOR, MICHIGAN
Community Services Area
Planning & Development Services Unit
301 East Huron, P.O. Box 8647,
Ann Arbor, Michigan 48107-8647
Phone: (734) 794-6261
Fax: (734) 994-8460
rwelton@a2gov.org

January 14, 2014

BY CERTIFIED MAIL, FIRST CLASS MAIL, & POSTING

Gordon Otto Larson
836 Brookwood Place
Ann Arbor, Mi 48104

Re: 836 Brookwood Place, Ann Arbor, MI48104
Parcel Identification Number: 09-09-33-216-022

Dear Mr. Larson/Larsen:

Enclosed is an Order to Show Cause requiring you to appear at the meeting of the Ann Arbor Building Board of Appeals ("BBA") on February 13, 2014.

At the show cause hearing by the BBA ("BBA") on December 19, 2013, the BBA tabled the matter with instructions for you to secure the building by January 10, 2014, and to submit plans and drawings for repair work within 60 days, which is to be completed within 180 days. You are to retain a licensed contractor to do the work on the roof, porch and basement; you may not pull the permits as a homeowner to do the work.

Please be advised that, as the Building Official, I am authorized to bring the matter back to the BBA for continuation of the show cause hearing based on my determination that you are not making progress in repairing the property.

If you have any questions please contact me by e-mail or phone.

Sincerely,

A handwritten signature of Ralph Welton.
Ralph Welton, Building Official
City of Ann Arbor Construction Services

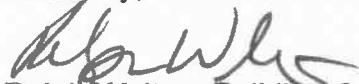
should not be required to demolish or otherwise make safe the building at the above-referenced address, which is more specifically described as follows:

**Lot 14, Assessor's Plat No. 13, as recorded in Liber 8 of Plats, Page(s) 51,
Washtenaw County Records**

The Building Board of Appeals will take your testimony and the testimony of any other interested persons. Please bring any evidence you wish to submit to the Board. A copy of this Dangerous Building Order to Show Cause is being filed with the Washtenaw County Register of Deeds.

The Ann Arbor City Hall is located at 301 East Huron, Ann Arbor Michigan.
If you have any questions please contact me by e-mail or phone.

Sincerely,



Ralph Welton, Building Official
City of Ann Arbor Construction Services
(734) 794-6261, rwelton@a2gov.org

Enclosures

cc (w/enclosure) by certified and first class mail to:

JPMorgan Chase Bank, N.A .
1111 Polaris Parkway
Columbus, OH 43240

cc: Sumedh Bahl, Community Services Area Administrator
 Kristen D. Larcom, Senior Asst. City Attorney

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT
Building Board of Appeals Show-Cause Hearing of December 19, 2013

Subject: 836 Brookwood Place, Ann Arbor, MI. 48104 PIN#090933216022

Legal Description of Property:

Lot 14, Assessor's Plat No. 13, as recorded in Liber 8 of Plats, Page(s) 51, Washtenaw County Records

Description and Discussion:

Single Family Residence –

- * Vacant more than six months (at least three years) without associated permits or realty listing.
- Compromised envelope including: broken window panes, missing and damaged siding.
- Collapsing 3-season room.
- Disintegrated front porch and foundation.
- Roof penetrations leading to water damage.

Owner contacted Construction Services in August of 2012, promising to submit full construction drawings. That has been my last contact with the owner. This house is a neighborhood nuisance that has garnered many complaints from Brookwood Place homeowners. Staff recommendation is to require demolition subsequent to the 20-day appeal period.



Sun Room and Roof Tarp



Front Porch



Elevation Envelope

Ralph Welton, Building Official
City of Ann Arbor Construction Services





RALPH WELTON
CHIEF DEVELOPMENT OFFICIAL
CITY OF ANN ARBOR, MICHIGAN

Community Services Area
Planning & Development Services Unit
301 East Huron, P.O. Box 8647,
Ann Arbor, Michigan 48107-8647
Phone: (734) 794-6261
Fax: (734) 994-8460
rwelton@a2gov.org

**DANGEROUS BUILDING
ORDER TO SHOW CAUSE ON DECEMBER 19, 2013**

December 5, 2013

BY CERTIFIED MAIL, FIRST CLASS MAIL, & POSTING

Gordon Otto Larson
836 Brookwood Place
Ann Arbor, MI 48104

Re: 836 Brookwood Place, Ann Arbor, MI 48104
Parcel Identification Number: 09-09-33-216-022

Dear Mr. Larson/Larsen:

A Dangerous Building Notice and Order, a copy of which is enclosed and made part of this Order to Show Cause, was served on you on the date indicated informing you that the building that you own and/or have an interest in at the above-referenced address is a dangerous building, as defined in Section 8:382 of the Ann Arbor City Code. Your building was deemed dangerous pursuant to the provisions listed in the enclosed Notice and Order due to the conditions listed therein.

Inspection reveals that you have not undertaken the work necessary to demolish the building or to otherwise make it safe.

Therefore, this is your notice that a public hearing, which you and/or your attorney are ordered to attend, will be conducted by the Ann Arbor Building Board of Appeals on December 19, 2013, 2013, at 9:30 a.m. on the 2nd floor City Council Chambers in the Ann Arbor City Hall. At the hearing you will have an opportunity to show cause why you

should not be required to demolish or otherwise make safe the building at the above-referenced address, which is more specifically described as follows:

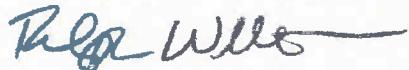
Lot 14, Assessor's Plat No. 13, as recorded in Liber 8 of Plats, Page(s) 51,
Washtenaw County Records

The Building Board of Appeals will take your testimony and the testimony of any other interested persons. Please bring any evidence you wish to submit to the Board. A copy of this Dangerous Building Order to Show Cause is being filed with the Washtenaw County Register of Deeds.

The Ann Arbor City Hall is located at 301 East Huron, Ann Arbor Michigan.

If you have any questions please contact me by e-mail or phone.

Sincerely,



Ralph Welton, Building Official
City of Ann Arbor Construction Services
(734) 794-6261, rwelton@a2gov.org

Enclosures

cc (w/enclosure) by certified and first class mail to:

JPMorgan Chase Bank, N.A .
1111 Polaris Parkway
Columbus, OH 43240

cc: Sumedh Bahl, Community Services Area Administrator
Kristen D. Larcom, Senior Asst. City Attorney



RALPH WELTON
CHIEF DEVELOPMENT OFFICIAL
CITY OF ANN ARBOR, MICHIGAN
Community Services Area
Planning & Development Services Unit
301 East Huron, P.O. Box 8647,
Ann Arbor, Michigan 48107-8647
Phone: (734) 794-6261
Fax: (734) 994-8460
rwelton@a2gov.org

DANGEROUS BUILDING NOTICE AND ORDER

November 21, 2013

Gordon Otto Larson
836 Brookwood Place
Ann Arbor, MI 48104

Re: 836 Brookwood Place, Ann Arbor, MI 48104
Parcel Identification Number 09-09-33-216-022
Legal Description: Lot 14, Assessor's Plat No. 13, as recorded in Liber 8 of
Plats, Page(s) 51, Washtenaw County Records

Dear Mr. Larson/Larsen (tax records/deed):

Records of the Ann Arbor City Assessor and the Washtenaw County Register of Deeds indicate that you are the owner of the property located within the City of Ann Arbor at the above-referenced address, which is described more fully in the Assessor's Records as provided in the cited legal description ("the Property"). The City is sending a copy of this letter to all other interested parties known to the City (if any), by certified and first class mail as indicated below.

This letter is to provide notice that the City finds the above property is a dangerous building as defined in provisions of **Section 8:382 of Chapter 101** of the Ann Arbor City Code, including but not limited to subsections 2, 6, 7, 9, and 10. A copy of Chapter 101 is enclosed. Specific defects that render this property dangerous, include but are not limited to, the following:

- Residence – Vacant more than six months without associated permits or realty listing (#10).
- Compromised envelope including: broken window panes, missing and damaged siding, collapsing 3-season room, disintegrated porch and foundation, roof penetrations (#6, #7, #8, #9).

It is requested that you contact the Building Official by the end of the business day on Thursday, December 5, 2013 to discuss your intentions for restoring or demolishing the property listed above.

Dangerous Building Notice & Order
Page 2 of 2

Failure to respond will result in recommendation for demolition to the Building Board of Appeals, and other possible legal action.

Because of the immediacy of these health and safety concerns, it is highly recommended that a dialogue be initiated at the earliest instance between the property owner/parties in interest and the City. I can be reached by email or telephone.

Sincerely,



Ralph Welton, Building Official
City of Ann Arbor Construction Services
(734) 794-6261, rwelton@a2gov.org

Enclosure (Dangerous Buildings Ordinance)

cc: Sumedh Bahl, Community Services Area Administrator
Kristen Larcom, Sr. Assistant City Attorney
Lisha Turner-Tolbert, Programs & Projects Manager

cc (w/enclosure) by certified and first class mail to:

JPMorgan Chase Bank. N.A.

1111 Polaris Parkway

Columbus, OH 43240



RALPH WELTON
CHIEF DEVELOPMENT OFFICIAL
CITY OF ANN ARBOR, MICHIGAN

Community Services Area
Planning & Development Services Unit
301 East Huron, P.O. Box 8647,
Ann Arbor, Michigan 48107-8647
Phone: (734) 794-6261
Fax: (734) 994-8460
rwelton@a2gov.org

DANGEROUS BUILDING NOTICE AND ORDER

May 17, 2013

BY CERTIFIED MAIL, FIRST CLASS MAIL, & POSTING

Gordon Otto Larson
836 Brookwood Place
Ann Arbor, MI 48104

Re: 836 Brookwood Place, Ann Arbor, MI 48104
Parcel Identification Number 090933216022

Mr. Larson:

Records of the Ann Arbor City Assessor and the Washtenaw County Register of Deeds indicate that you are the owner of the property located within the City of Ann Arbor at the above-referenced address, which is described more fully in the Assessor's Records as provided in the attached legal description ("the Property"). The City is sending, by certified and first class mail to the address indicated below, a copy of this letter to all other parties known to the City who may have an interest in this Property.

This letter is to provide notice that the City finds the above property is a dangerous building as defined in provisions of **Section 8:382 of Chapter 101** of the Ann Arbor City Code, including but not limited to subsections 2, 6, 7, 9, and 10. A copy of Chapter 101 is enclosed. Specific defects that render this property dangerous, include but are not limited to, the following:

- Residence – Vacant more than six months without associated permits or realty listing. Compromised envelope including: broken window panes, missing and damaged siding, collapsing 3-season room, disintegrated porch and foundation, roof penetrations.

Dangerous Building Notice & Order

October 24, 2012

Page 2 of 2

It is requested that you contact the Building Official by the end of the business day on Monday, May 27th, 2013 to discuss your intentions for restoring or demolishing the property listed above.

Failure to respond will result in recommendation for demolition to the Building Board of Appeals, and other possible legal action.

Because of the immediacy of these health and safety concerns, it is highly recommended that a dialogue be initiated at the earliest instance between the property owner/parties in interest and the City. I can be reached by email or telephone.

Sincerely,

Ralph Welton, Building Official
City of Ann Arbor Construction Services
(734) 794-6261, rwelton@a2gov.org

**Attachment (legal description)
Enclosure (Dangerous Buildings Ordinance)**

cc:

Sumedh Bahl, Community Services Area Administrator
Kristen Larcom, Sr. Assistant City Attorney

cc (w/attachment and enclosure) by certified and first class mail to:

Ann Arbor, MI 48107-8645

Courtesy copies (w/attachment and enclosure) by first class mail to:



CITY OF ANN ARBOR, MICHIGAN

Planning & Development Services Unit
Construction Services Area
301 E. Huron, P.O. Box 8647,
Ann Arbor, Michigan 48107-8647
Phone: (734) 794-6261
Fax: (734) 994-8460
rwelton@a2gov.org

VIOLATION NOTICE

Date: July 26, 2012

To: Gordon Otto Larson
836 Brookwood Pl
Ann Arbor, MI 48104

Re: Unsafe Structure at 836 Brookwood Pl

The above-cited property has been vacant and in extreme disrepair for at least 5 years and is in violation of Section 116.1 of the 2009 Michigan Building Code. This section reads as follows:

116.1 Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary, or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal, improper, occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

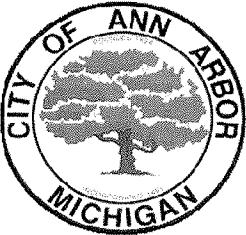
Remedy Required:

Construction drawings and permit application, or a demolition application with copies of utility severals, must be submitted to Construction Services. Construction Services is located on the first floor of the Larcom Building at the address cited in the header.

Failure to comply by August 9, 2012 may result in a ticket being issued and other possible legal actions including demolition by City contractors with all costs plus 20% administrative fees being assessed to the property.

Feel free to contact me with any questions.

Ralph Welton, Building Official
rwelton@a2gov.org



**RALPH WELTON
CHIEF DEVELOPMENT OFFICIAL
CITY OF ANN ARBOR, MICHIGAN**

Community Services Area
Planning & Development Services Unit
301 East Huron, P.O. Box 8647,
Ann Arbor, Michigan 48107-8647
Phone: (734) 794-6261
Fax: (734) 994-8460
rwelton@a2gov.org

**DANGEROUS BUILDING
ORDER TO SHOW CAUSE ON FEBRUARY 13, 2014**

January 14, 2014

BY CERTIFIED MAIL, FIRST CLASS MAIL, & POSTING

Gordon Otto Larson
836 Brookwood Place
Ann Arbor, Mi 48104

Re: 836 Brookwood Place, Ann Arbor, MI48104
Parcel Identification Number: 09-09-33-216-022

Dear Mr. Larson/Larsen:

A Dangerous Building Notice and Order, a copy of which is enclosed and made part of this Order to Show Cause, was served on you on the date indicated informing you that the building that you own and/or have an interest in at the above-referenced address is a dangerous building, as defined in Section 8:382 of the Ann Arbor City Code. Your building was deemed dangerous pursuant to the provisions listed in the enclosed Notice and Order due to the conditions listed therein.

Inspection reveals that you have not undertaken the work necessary to demolish the building or to otherwise make it safe.

Therefore, this is your notice that a public hearing, which you and/or your attorney are ordered to attend, will be conducted by the Ann Arbor Building Board of Appeals on February 13, 2014, at 1:30 p.m. on the 2nd floor City Council Chambers in the Ann Arbor City Hall. At the hearing you will have an opportunity to show cause why you

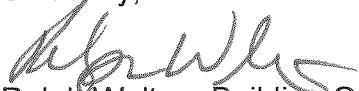
should not be required to demolish or otherwise make safe the building at the above-referenced address, which is more specifically described as follows:

Lot 14, Assessor's Plat No. 13, as recorded in Liber 8 of Plats, Page(s) 51,
Washtenaw County Records

The Building Board of Appeals will take your testimony and the testimony of any other interested persons. Please bring any evidence you wish to submit to the Board. A copy of this Dangerous Building Order to Show Cause is being filed with the Washtenaw County Register of Deeds.

The Ann Arbor City Hall is located at 301 East Huron, Ann Arbor Michigan.
If you have any questions please contact me by e-mail or phone.

Sincerely,



Ralph Welton, Building Official
City of Ann Arbor Construction Services
(734) 794-6261, rwelton@a2gov.org

Enclosures

cc (w/enclosure) by certified and first class mail to:

JPMorgan Chase Bank. N.A .
1111 Polaris Parkway
Columbus, OH 43240

cc: Sumedh Bahl, Community Services Area Administrator
Kristen D. Larcom, Senior Asst. City Attorney



**RALPH WELTON
CHIEF DEVELOPMENT OFFICIAL
CITY OF ANN ARBOR, MICHIGAN**

Community Services Area
Planning & Development Services Unit
301 East Huron, P.O. Box 8647,
Ann Arbor, Michigan 48107-8647
Phone: (734) 794-6261
Fax: (734) 994-8460
rwelton@a2gov.org

January 14, 2014

BY CERTIFIED MAIL, FIRST CLASS MAIL, & POSTING

Gordon Otto Larson
836 Brookwood Place
Ann Arbor, Mi 48104

Re: 836 Brookwood Place, Ann Arbor, MI48104
Parcel Identification Number: 09-09-33-216-022

Dear Mr. Larson/Larsen:

Enclosed is an Order to Show Cause requiring you to appear at the meeting of the Ann Arbor Building Board of Appeals ("BBA") on February 13, 2014.

At the show cause hearing by the BBA ("BBA") on December 19, 2013, the BBA tabled the matter with instructions for you to secure the building by January 10, 2014, and to submit plans and drawings for repair work within 60 days, which is to be completed within 180 days. You are to retain a licensed contractor to do the work on the roof, porch and basement; you may not pull the permits as a homeowner to do the work.

Please be advised that, as the Building Official, I am authorized to bring the matter back to the BBA for continuation of the show cause hearing based on my determination that you are not making progress in repairing the property.

If you have any questions please contact me by e-mail or phone.

Sincerely,

A handwritten signature in black ink, appearing to read "Ralph Welton".

Ralph Welton, Building Official
City of Ann Arbor Construction Services

(734) 794-6261, rwelton@a2gov.org

Enclosures

cc (w/enclosure) by certified and first class mail to:

JPMorgan Chase Bank, N.A .
1111 Polaris Parkway
Columbus, OH 43240

cc: Sumedh Bahl, Community Services Area Administrator
Kristen D. Larcom, Senior Asst. City Attorney



RALPH WELTON
CHIEF DEVELOPMENT OFFICIAL
CITY OF ANN ARBOR, MICHIGAN
Community Services Area
Planning & Development Services Unit
301 East Huron, P.O. Box 8647,
Ann Arbor, Michigan 48107-8647
Phone: (734) 794-6261
Fax: (734) 994-8460
rwelton@a2gov.org

**DANGEROUS BUILDING
ORDER TO SHOW CAUSE ON DECEMBER 19, 2013**

December 5, 2013

BY CERTIFIED MAIL, FIRST CLASS MAIL, & POSTING

Gordon Otto Larson
836 Brookwood Place
Ann Arbor, MI 48104

Re: 836 Brookwood Place, Ann Arbor, MI 48104
Parcel Identification Number: 09-09-33-216-022

Dear Mr. Larson/Larsen:

A Dangerous Building Notice and Order, a copy of which is enclosed and made part of this Order to Show Cause, was served on you on the date indicated informing you that the building that you own and/or have an interest in at the above-referenced address is a dangerous building, as defined in Section 8:382 of the Ann Arbor City Code. Your building was deemed dangerous pursuant to the provisions listed in the enclosed Notice and Order due to the conditions listed therein.

Inspection reveals that you have not undertaken the work necessary to demolish the building or to otherwise make it safe.

Therefore, this is your notice that a public hearing, which you and/or your attorney are ordered to attend, will be conducted by the Ann Arbor Building Board of Appeals on December 19, 2013, 2013, at 9:30 a.m. on the 2nd floor City Council Chambers in the Ann Arbor City Hall. At the hearing you will have an opportunity to show cause why you

should not be required to demolish or otherwise make safe the building at the above-referenced address, which is more specifically described as follows:

Lot 14, Assessor's Plat No. 13, as recorded in Liber 8 of Plats, Page(s) 51,
Washtenaw County Records

The Building Board of Appeals will take your testimony and the testimony of any other interested persons. Please bring any evidence you wish to submit to the Board. A copy of this Dangerous Building Order to Show Cause is being filed with the Washtenaw County Register of Deeds.

The Ann Arbor City Hall is located at 301 East Huron, Ann Arbor Michigan.

If you have any questions please contact me by e-mail or phone.

Sincerely,



Ralph Welton, Building Official
City of Ann Arbor Construction Services
(734) 794-6261, rwelton@a2gov.org

Enclosures

cc (w/enclosure) by certified and first class mail to:

JPMorgan Chase Bank. N.A .
1111 Polaris Parkway
Columbus, OH 43240

cc: Sumedh Bahl, Community Services Area Administrator
Kristen D. Larcom, Senior Asst. City Attorney

CITY OF ANNARBOR BUILDING BOARD OF APPEALS	DECISION AND ORDER TO LASALLE BANK NATIONAL ASSOCIATION REGARDING DANGEROUS BUILDING	SHOW CAUSE NO: BBA13-0006
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TO LASALLE BANK NATIONAL ASSOCIATION:

THIS ORDER IS ISSUED IN THE MATTER OF THE SHOW CAUSE HEARING HELD ON DECEMBER 19, 2013 CONCERNING THE BUILDING ON THE PROPERTY AT 2365 PINECREST AVENUE, ANN ARBOR, MICHIGAN, ("THE BUILDING") OWNED BY YOU, TO DETERMINE WHY THE BUILDING SHOULD NOT BE DEMOLISHED.

Hearing Officers present at the Show Cause Hearing were Building Board of Appeals members Kenneth J. Winters (Chairperson), Samuel Callan, Robert Hart, and Paul Darling.

Presenting evidence and testimony on behalf of City staff was Ralph Welton, Building Official.

No one appeared at the hearing to speak on behalf of LaSalle Bank National Association, but two e-mails from Carleton and Jacqueline Williams were accepted into evidence.

Having held the Show Cause Hearing in this matter, based on the evidence and testimony presented at the hearing, the Building Board of Appeals finds that the Building is a dangerous building as defined in Chapter 101 of the Ann Arbor Code of Ordinances and orders it be demolished or otherwise be made safe, pursuant to the following motion and findings adopted by the Building Board of Appeals at the hearing:

Moved by P. Darling, That in the case of the Show Cause hearing for BBA 13-0006, concerning the Building at 2365 Pinecrest Avenue, Ann Arbor, Michigan, the Building Board of Appeals finds that the Building is a dangerous building as defined in Chapter 101 of the Ann Arbor City Ordinance and that the owner shall cause the Building to be demolished or be otherwise made safe. The owner shall commence the necessary work by contacting the Building Official by January 10, 2014, regarding requirements for obtaining necessary permits and shall complete the work by 60th calendar day after the date of this decision and order. If the owner fails to comply with this Order then the City will cause the Building to be demolished.

THIS ORDER IS BASED ON THE FOLLOWING FINDINGS:

The roof is open allowing water infiltration.
There is mold inside and outside of structure.
There is drywall damage.
There are numerous building code problems.

The motion was seconded by S. Callan.

On a Voice Vote – MOTION PASSED – UNANIMOUS.

FOR THIS REASON, THE BUILDING BOARD OF APPEALS ORDERS THAT
you (LaSalle Bank National Association) shall **DEMOLISH OR OTHERWISE MAKE**
SAFE the Building on the property at 2365 Pinecrest Avenue, Ann Arbor, Michigan.

THE BUILDING BOARD OF APPEALS FURTHER ORDERS THAT the work
necessary to satisfy the requirements of this Order shall be **commenced by January**
10, 2014, by making contact with the Building Official, and shall be **completed by**
February 21, 2014, and if you fail to comply with this Order, the City will cause the
necessary work to be completed.

23 DECEMBER 2013
Date



Kenneth Winters, Chairperson
Building Board of Appeals

You have limited rights to appeal the decision and order of the Building Board of Appeals. See Ann Arbor Code Sections 8:388, 8:387(6).

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

Subject: 2365 Pinecrest, Ann Arbor, MI. 48104 PIN#091202101012

Legal Description of Property:

Lot 67, Pittsfield Park No.4, as recorded in Liber 11 of Plats, Page(s) 24, Washtenaw County Records



RALPH WELTON
CHIEF DEVELOPMENT OFFICIAL
CITY OF ANN ARBOR, MICHIGAN
Community Services Area
Planning & Development Services Unit
301 East Huron, P.O. Box 8647,
Ann Arbor, Michigan 48107-8647
Phone: (734) 794-6261
Fax: (734) 994-8460
rwelton@a2gov.org

**DANGEROUS BUILDING
ORDER TO SHOW CAUSE ON DECEMBER 19, 2013**

December 5, 2013

BY CERTIFIED MAIL, FIRST CLASS MAIL, & POSTING

LaSalle Bank National Association
3 Ada Second Floor
Irvine, CA 92618-2304

Re: 2365 Pinecrest Avenue, Ann Arbor, MI 48104
Parcel Identification Number 09-12-02-101-012

Dear LaSalle Bank National Association:

A Dangerous Building Notice and Order, a copy of which is enclosed and made part of this Order to Show Cause, was served on you on the date indicated informing you that the building that you own and/or have an interest in at the above-referenced address is a dangerous building, as defined in Section 8:382 of the Ann Arbor City Code. Your building was deemed dangerous pursuant to the provisions listed in the enclosed Notice and Order due to the conditions listed therein.

Inspection reveals that you have not undertaken the work necessary to demolish the building or to otherwise make it safe.

Therefore, this is your notice that a public hearing, which you and/or your attorney are ordered to attend, will be conducted by the Ann Arbor Building Board of Appeals on December 19, 2013, 2013, at 9:30 a.m. on the 2nd floor City Council Chambers in the Ann Arbor City Hall. At the hearing you will have an opportunity to show cause why you should not be required to demolish or otherwise make safe the building at the above-referenced address, which is more specifically described as follows:

Lot 67, Pittsfield Park No.4, as recorded in Liber 11 of Plats, Page(s) 24,
Washtenaw County Records

The Building Board of Appeals will take your testimony and the testimony of any other interested persons. Please bring any evidence you wish to submit to the Board. A copy of this Dangerous Building Order to Show Cause is being filed with the Washtenaw County Register of Deeds.

The Ann Arbor City Hall is located at 301 East Huron, Ann Arbor Michigan.

If you have any questions please contact me by e-mail or phone.

Sincerely,



Ralph Welton, Building Official
City of Ann Arbor Construction Services
(734) 794-6261, rwelton@a2gov.org

Enclosure

cc (w/enclosure) by certified and first class mail to:

Greenwich Investors AddV REO Statutory Trust 2012-1
559 San Ysidro Road, Suite I
Santa Barbara, CA 93108

Internal Revenue Service
Michigan Area Office
Chief Customer Service
Lien Serial Number 837742011
447 Michigan Ave.
Detroit, MI 48226-2597

Carleton Durand Williams and
Jacqueline M. Newsome-Williams
7072 Grass Road
Saline, MI 48176-0000

cc: Sumedh Bahl, Community Services Area Administrator
Kristen D. Larcom, Senior Asst. City Attorney

From: [Bahl, Sumedh](#)
To: [Welton, Ralph](#); [Turner-Tolbert, Lisha](#)
Subject: RE: June 2014 BBA meeting
Date: Tuesday, June 03, 2014 11:42:52 AM

I do not see 208 S Revena and 3045 Springbrook. What is the reason for these not being on the agenda for June BBA meeting?

Sumedh

From: Welton, Ralph
Sent: Wednesday, May 28, 2014 12:59 PM
To: Bahl, Sumedh; Turner-Tolbert, Lisha
Subject: RE: June 2014 BBA meeting

This is what I see.

410 Miller – time frame in motion runs out 6/10. Owner wants extension.
114 W. Summit – housing (Terry Root) was to inspect attic.
836 Brookfield – notice & order (due to cancellation of May meeting)
2365 Pinecrest – notice & order (due to extension for mortgager)

Ralph Welton
Chief Development Official
Planning & Development Services
(734) 794-6261

From: Bahl, Sumedh
Sent: Wednesday, May 28, 2014 11:48 AM
To: Turner-Tolbert, Lisha; Welton, Ralph
Subject: June 2014 BBA meeting

What is on the agenda for June BBA meeting and are the staff reports ready for agenda items?

Sumedh

From: [Welton, Ralph](#)
To: [Larcom, Kristen](#); [Bahl, Sumedh](#); [Turner-Tolbert, Lisha](#)
Cc: [Williams, Debra](#)
Subject: RE: Shack at 410 Miller
Date: Tuesday, January 14, 2014 10:46:00 AM

This seems to be accurate concerning Shefman. I have no recollection of the second letter and may not have been in town.

Ralph Welton
Chief Development Official
Planning & Development Services
(734) 794-6261

From: Larcom, Kristen
Sent: Tuesday, January 14, 2014 08:34 AM
To: Bahl, Sumedh; Turner-Tolbert, Lisha; Welton, Ralph
Cc: Williams, Debra
Subject: RE: Shack at 410 Miller

According to my notes, the Notice & Order was sent to Peter Shefman (Felch LLC) around 5/23/13 and Shefman came in to tell Ralph that the building straddles the property line between 410 Miller and the adjacent property. If that's correct, could you send me a copy of the signed notice & order to Sheman?

Again, according to my notes, at that point, I drafted the notice & order to First Miller, which owns the adjacent property, and that one didn't get sent. Is this correct?

From: Bahl, Sumedh
Sent: Tuesday, January 14, 2014 08:26 AM
To: Turner-Tolbert, Lisha; Welton, Ralph
Cc: Larcom, Kristen; Williams, Debra
Subject: FW: Shack at 410 Miller
Importance: High

Lisha and Ralph,

Seems like this Notice and Order was never mailed for whatever reason. Please mail it today, if possible. Dates in the letter needs to be changed. Also let us try to put it on the 2/13 BBA meeting if the interested parties do not respond and if there is enough time for notifications.

Please note that it has to be mailed to both owners.

Debra can help in mailing if need be.

Thanks.

Sumedh

From: Larcom, Kristen
Sent: Wednesday, June 12, 2013 04:04 PM
To: Welton, Ralph; Turner-Tolbert, Lisha
Cc: Bahl, Sumedh
Subject: Shack at 410 Miller
Importance: High

Kristen D. Larcom (P39550)
Senior Assistant City Attorney
City of Ann Arbor
301 East Huron Street
Ann Arbor, MI 48104
(734) 794-6185
Fax: (734) 994-4954

From: [Williams, Debra](#)
To: [Welton, Ralph](#); [Larcom, Kristen](#); [Bahl, Sumedh](#); [Turner-Tolbert, Lisha](#)
Subject: RE: Shack at 410 Miller
Date: Tuesday, January 14, 2014 4:44:05 PM

The letter to First Miller has been given to Lisha for posting, sent certified and first class and uploaded into Trakit.

Debra Williams
Management Assistant/
Special Events Coordinator
Community Services
City of Ann Arbor
Phone: (734) 794-6000 x42198
Fax: (734) 994-8312
dewilliams@a2gov.org

From: Welton, Ralph
Sent: Tuesday, January 14, 2014 10:46 AM
To: Larcom, Kristen; Bahl, Sumedh; Turner-Tolbert, Lisha
Cc: Williams, Debra
Subject: RE: Shack at 410 Miller

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(734) 794-6261

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To: Welton, Ralph; Turner-Tolbert, Lisha
Cc: Bahl, Sumedh
Subject: Shack at 410 Miller
Importance: High

Kristen D. Larcom (P39550)

Senior Assistant City Attorney

City of Ann Arbor

301 East Huron Street

Ann Arbor, MI 48104

(734) 794-6185

Fax: (734) 994-4954

From: [Welton, Ralph](#)
To: [lightertimes](#)
Subject: RE: The delays 410 Miller Ann Arbor
Date: Thursday, September 25, 2014 10:58:00 AM
Attachments: [410 Miller Building Plans - Floodplain .pdf](#)

Pete:

The floodplain issues are attached. Zoning has approved the drawings. Building has performed a cursory review, but cannot approve anything until it is determined whether the floodplain requirements will cause a plan revision.

Ralph Welton
Chief Development Official
Planning & Development Services
(734) 794-6261

-----Original Message-----

From: lightertimes [REDACTED]
Sent: Friday, August 29, 2014 07:49 PM
To: Welton, Ralph
Subject: The delays 410 Miller Ann Arbor

Re: 410 Miller plan submission 8-29-2014 City of Ann Arbor

Ralph Welton-Chief Development official
Planning and Development Services

Hello Ralph,

I have made several efforts during your present absence to seek assistance with my efforts to address the

issues raised by the City regarding upgrading the property located at 410 Miller.

I have already submitted sealed plans by an architect several weeks ago and timely paid the fees requested and

initiated the process to obtain the issuance of building permits for 410 Miller.

Subsequently, It was raised that it might be necessary to address new guidelines regarding floodplain issues.

Although I believe remains unclear whether or not the threshold requiring the property be upgraded to the new

building standards, I did arrange for an elevation certificate and other documents to be prepared, however they

have been delayed for reasons I am unclear and not in my control. I attempted to meet with John Swantek while

you were away, as you suggested , however he offered no assistance and directed me back to Jerry Hancock where

I have concerns and sought your assistance. I am still in earnest making efforts to progress with addressing your

concerns regarding 410 Miller, Ann Arbor, but am unclear how to proceed.

Please contact me at your 1st opportunity to discuss this matter.

Thank you,

Peter Shefman on behalf of Felch LLC Tel [REDACTED]
[REDACTED] email [REDACTED]

- M E M O R A N D U M -

TO: Ralph Welton, Chief Development Official, Planning & Development Services

FROM: Jerry Hancock – Stormwater and Floodplain Programs Coordinator,
Systems Planning Unit, Public Services Area

DATE: September 9, 2014

SUBJECT: 410 Miller Ave, Revised Building plan review
Building Permit # BLDG14-0882

I have reviewed the revised building plans dated 8/25/2014 and provide the following comments for the petitioner:

Floodplain Management

1. The plans label a subsurface area (all four sides) as a crawl space. This area is defined by the Michigan Building Code as a basement. Basements are not allowed within the floodplain. Crawl spaces require an interior grade equal to the exterior grade on at least one side of the building with the properly designed openings. Per the Michigan Building Code Section 1612.5 all enclosed spaces must have the required openings and a positive means of drainage. The existing basement of this structure does not comply with this requirement. The plans will have to be revised to eliminate the basement.
2. The Floodproofing Certificate provided is incomplete as it is missing the required information from the Flood insurance Rate Map (FIRM). Additionally, an expired form was used. The Floodproofing Certificate must be completed fully on a non-expired (i.e. current) form.
3. The Base Flood Elevation (BFE) listed on the plans and Floodproofing Certificate does not match the Elevation Certificate provided. The plans and Floodproofing Certificate and/or the Elevation Certificate will have to be revised so that they are all utilizing the same BFE.
4. The Surveyor, who prepared the Elevation Certificate, Karol L. Grove, contacted me to inform me that she had issued an Elevation Certificate on 8/14/2014 that was in error, stating a BFE of 793.7. This was the Elevation Certificate included with the revised building plans. She later issued a corrected Elevation Certificate with a BFE of 795, and requested that it be used for this site. Please ensure that the revised Elevation Certificate is included with the revised plans and Floodproofing Certificate.

410 Miller Building Plans(2)

From: [Welton, Ralph](#)
To: [Cheng, Christopher](#)
Cc: [Hancock, Jerry](#)
Subject: Re: 410 Miller
Date: Thursday, June 12, 2014 11:01:51 PM

I've been in daily contact with him. Jerry's got the permit on hold for flood plain issues. We can talk tomorrow.

Sent from my iPhone

On Jun 12, 2014, at 3:58 PM, "Cheng, Christopher" <CCheng@a2gov.org> wrote:

Has anybody contacted the applicant? There's a note from John Swantek stating "contact Jerry Hancock."

From: Hancock, Jerry
Sent: Monday, June 02, 2014 11:49 AM
To: Cheng, Christopher; Welton, Ralph
Subject: RE: 410 Miller

Chris and Ralph,

I put the following comments into Trakit for 410 Miller:

According to the City Assessor the existing structure has no value. As such, any improvements would exceed 50% of the market value of the structure and kick in the flood resistant construction standards per the Michigan Building Code. The structure must be elevated or floodproofed to 1 foot above the Base Flood Elevation (BFE = 793.7 ft). The building plans must be revised to include all necessary work to accomplish the required elevation or floodproofing. Note: the existing grade at the building is roughly 792, so the elevation or floodproofing would need to extend about 3 feet above grade.

The plans must be accompanied by an completed Elevation Certificate.

If floodproofing is chosen, the plans must certified by a professional engineer or architect, and a Floodproofing Certificate submitted with the plans.

*For floodproofing guidance see FEMA TECHNICAL BULLETIN 3-93 -
<https://www.fema.gov/media-library/assets/documents/3473>*

I have not contacted the applicant.

Jerry Hancock, CFM
Stormwater and Floodplain Programs Coordinator
Systems Planning Unit
City of Ann Arbor Public Services
301 E. Huron St.

Ann Arbor, MI 48107
Phone - 734-794-6430 ex. 43709

From: Cheng, Christopher
Sent: Monday, June 02, 2014 10:37 AM
To: Hancock, Jerry
Subject: 410 Miller

Mr. Shefman has submitted a bldg application to repair the structure abutting the RR tracks. Also in floodplain so I'd like your input. Cost of repair is listed at \$5,000.

Chris Cheng, AICP
301 E. Huron Street
Ann Arbor, MI 48107
ccheng@a2gov.org
734-794-6000 x 42616

From: [Welton, Ralph](#)
To: [Hancock, Jerry](#)
Cc: [Cheng, Christopher](#)
Subject: Re: 410 Miller
Date: Thursday, June 12, 2014 11:04:26 PM

He ran out of time Monday, but filed appeals with City Council and Circuit Court. It's a legal issue now.

Sent from my iPhone

On Jun 12, 2014, at 4:02 PM, "Hancock, Jerry" <JHancock@a2gov.org> wrote:

Chris,

Pete was definitely made aware of the floodplain issues, he has occupied my office several times since, and he has been corresponding with several MDEQ Floodplain people who have then discussed it with me.

Ralph,

When does Pete run out of time (according to the BBA)?

Jerry Hancock, CFM
Stormwater and Floodplain Programs Coordinator
Systems Planning Unit
City of Ann Arbor Public Services
301 E. Huron St.
Ann Arbor, MI 48107
Phone - 734-794-6430 ex. 43709

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Chris Cheng, AICP
301 E. Huron Street
Ann Arbor, MI 48107
ccheng@a2gov.org
734-794-6000 x 42616

From: [lightertimes](#)
To: [Welton, Ralph](#)
Subject: The delays 410 Miller Ann Arbor
Date: Friday, August 29, 2014 7:48:32 PM

Re: 410 Miller plan submission 8-29-2014
City of Ann Arbor

Ralph Welton-Chief Development official
Planning and Development Services

Hello Ralph,

I have made several efforts during your present absence to seek assistance with my efforts to address the issues raised by the City regarding upgrading the property located at 410 Miller.

I have already submitted sealed plans by an architect several weeks ago and timely paid the fees requested and initiated the process to obtain the issuance of building permits for 410 Miller.

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Please contact me at your 1st opportunity to discuss this matter.

Thank you,

Peter Shefman on behalf of Felch LLC Tel [REDACTED]
[REDACTED] email [REDACTED]

**STATE OF MICHIGAN
IN THE WASHTENAW COUNTY CIRCUIT COURT**

FELCH LLC,

Appellant,

v

Case No. 14-0000448 AV
Hon. Nancy C. Wheeler

CITY OF ANN ARBOR, (Zoning Board of Appeals),

Appellee.

Peter Shefman
3140 Lakewood
Ann Arbor, MI 48103
Phone: (734) 545-8800

Stephen K. Postema (P38871)
Kristen D. Larcom (P39550)
OFFICE OF THE CITY ATTORNEY
Attorneys for Appellee
301 E. Huron St., P.O. Box 8647
Ann Arbor, MI 48107-8647
Phone: (734) 794-6170
Fax: (734) 994-4954

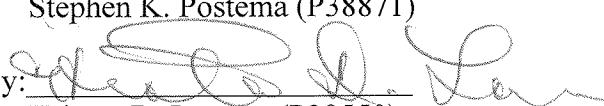
**APPEARANCE OF COUNSEL ON BEHALF OF
APPELLEE CITY OF ANN ARBOR**

The undersigned, Stephen K. Postema and Kristen D. Larcom hereby enter their appearance as Attorneys for Defendant City of Ann Arbor.

Respectfully submitted:
Office of the City Attorney

Dated: May 12, 2014

By: 
Stephen K. Postema (P38871)

By: 
Kristen D. Larcom (P39550)
OFFICE OF THE CITY ATTORNEY
Attorney for Defendant
301 E. Huron St., P.O. Box 8647
Ann Arbor, Michigan 48107
(734) 794-6170

STATE OF MICHIGAN
IN THE WASHTENAW COUNTY CIRCUIT COURT

FELCH LLC,

Appellant,

v

Case No. 14-0000448 AV
Hon. Nancy C. Wheeler

CITY OF ANN ARBOR, (Zoning Board of Appeals),

Appellee.

Peter Shefman
3140 Lakewood
Ann Arbor, MI 48103
Phone: (734) 545-8800

Stephen K. Postema (P38871)
Kristen D. Larcom (P39550)
OFFICE OF THE CITY ATTORNEY
Attorneys for Appellee
301 E. Huron St., P.O. Box 8647
Ann Arbor, MI 48107-8647
Phone: (734) 794-6170
Fax: (734) 994-4954

/

PROOF OF SERVICE

I hereby certify that I mailed a true and correct copy of the Appearance of Stephen K. Postema and Kristen Larcom in the above-entitled matter via first class mail, postage prepaid, to Peter Shefman at the above-listed address, this 13 day of May, 2014.

By: Jane Allen
Jane Allen
Legal Assistant



CITY OF ANN ARBOR, MICHIGAN

301 E. Huron St., P.O. Box 8647, Ann Arbor, Michigan 48107-8647

Phone (734) 794-6170

FAX (734) 994-4954

www.a2gov.org

Office of The City Attorney

May 13, 2014

Peter Shefman
3140 Lakewood
Ann Arbor, MI 48103

Re: *Felch LLC v City of Ann Arbor*
Appeal of ZBA Decision

Dear Mr. Shefman:

Please find enclosed a copy of an appearance of counsel for Stephen K. Postema and Kristen D. Larcom in the above-entitled case and proof of service thereof, filed with the Court today.

Sincerely,

A handwritten signature in black ink that appears to read "Jane Allen".
Jane Allen
Legal Assistant

Enc.

**STATE OF MICHIGAN
IN THE WASHTENAW COUNTY CIRCUIT COURT**

FELCH LLC,

Appellant,

v

Case No. 14-0000448 AV

Hon. Carol Kuhnke

CITY OF ANN ARBOR,

Appellee.

Peter Shefman
3140 Lakewood
Ann Arbor, MI 48103
(734) 545-8800

Stephen K. Postema (P38871)
Kristen D. Larcom (P39550)
OFFICE OF THE CITY ATTORNEY
Attorneys for Appellee
301 E. Huron St., P.O. Box 8647
Ann Arbor, MI 48107-8647
Phone: (734) 794-6170

**APPELLEE CITY OF ANN ARBOR'S MOTION TO DISMISS AND
BRIEF IN SUPPORT OF MOTION**

MOTION

Appellee City of Ann Arbor (“the City”), through the Office of the City Attorney, moves this Court under MCR 7.104(A)(1), MCR 7.110 and MCR 7.211(C)(2)(a) & (b), to dismiss this appeal with prejudice, for the reason that this Court lacks jurisdiction over it. Contrary to court rules, there is no timely claim of appeal because the appeal was filed on behalf of Felch LLC by a person not authorized to practice law making the appeal void ab initio. The City provides the following brief in support of its motion.

BRIEF IN SUPPORT OF MOTION

This matter involves a claim of appeal from an order decision of the Ann Arbor Building Board of Appeals (“BBA”), dated April 14, 2014..

For the circuit court to have jurisdiction over an appeal from an agency such as the BBA, it must be filed within 21 days after the date of the agency's order. MCR 7.104(A)(1).

There is no authority for a limited liability company, such as Felch LLC, to file a proceeding in this Court, except by and through a licensed attorney. Peter Shefman is not a licensed attorney and, therefore, cannot represent Felch LLC.

In *Detroit Bar Ass'n v Union Guardian Trust Co*, 282 Mich 707, 711; 281 NW 432 (1938), the Supreme Court held as follows regarding the appearance of a corporation in court:

While an individual may appear in proper person, a corporation, because of the very fact of its being a corporation, can appear only by attorney, regardless of whether it is interested in its own corporate capacity or in a fiduciary capacity.

In *Peters Production, Inc v Desnick Broadcasting Co*, 171 Mich App 283, 287; 429 NW2d 654 (1988), citing *Detroit Bar Ass'n, supra*, the Michigan Court of Appeals stated as follows:

[D]efendant was represented below and on appeal by Harvey L. Desnick, who is not a licensed attorney. An individual may appear in propria persona; a corporation, however, can appear only by attorney regardless of whether it is interested in its own corporate capacity or in a fiduciary capacity. *Detroit Bar Ass'n v. Union Guardian Trust Co.*, 282 Mich. 707, 711, 281 N.W. 432 (1938). Therefore, this Court on its own motion strikes defendant's appellate brief from the record on appeal. (Emphasis added).

The Supreme Court's and Court of Appeals' reasoning in *Detroit Bar Ass'n, supra*, and *Peters Production, supra*, applies similarly to a limited liability company. While an individual who is not an attorney may represent himself or herself in court, a limited liability company is not an individual and for that very reason may only appear in court by a person authorized to practice law, i.e. an attorney.

Similar to the circumstances in *Peters Production, supra*, the document filed on May 2, 2014, purporting to be a claim of appeal on behalf of Felch LLC by Peter Shefman, who is not an attorney, was void ab initio and this Court should strike it from record.

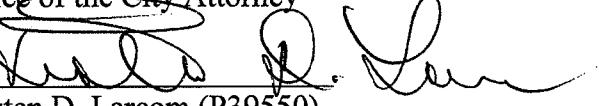
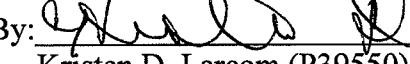
There being no timely claim of appeal properly filed in this case, it does not comply with court rules and this Court lacks jurisdiction over the matter, which requires this action to be dismissed with prejudice. MCR 7.104; MCR 7.110; MCR 7.211(C)(2)(a) and (b).

Moreover, there is no indication in Felch LLC's Articles of Organization or 2013 annual statement available on the Michigan Department of Licensing and Regulatory Affairs' ("LARA") website that Peter Shefman has any legal relationship with Felch, LLC. Copies of the LARA documents are attached as Exhibit 1.

While not necessary for this motion, in order to dispel any impression that the City was ignoring this Court's Order Striking Notice, entered on July 3, 2014, the City wishes to inform the Court that it did not provide a transcript in response to the Court's order because no transcripts are made of Building Board of Appeals proceedings.. A copy of this Court's Order is attached as Exhibit 2. Peter Shefman was informed of the unavailability of a transcript before this case was opened. As suggested in the Court's July 3rd Order, the court rules provide for appeals where no transcript is available and instruct an appellant on the proper procedure.

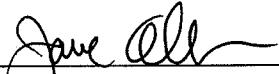
For the foregoing reasons, the City requests this Court to dismiss this appeal with prejudice.

Dated: August 19, 2014

Respectfully submitted:
Office of the City Attorney

By:  
Kristen D. Larcom (P39550)
OFFICE OF THE CITY ATTORNEY
Attorney for Defendant
301 E. Huron St., P.O. Box 8647
Ann Arbor, Michigan 48107
(734) 794-6170

PROOF OF SERVICE

I hereby certify that I mailed a true and correct copy of the foregoing Appellee City of Ann Arbor's Motion to Dismiss and Brief in Support of Motion to Peter Shefman at the address listed above, first class postage prepaid this 19th day of August, 2014.


Jane Allen
Legal Assistant

CITY OF ANN ARBOR
 Original - Court of Appeals/Circuit court
 1st copy - Trial court

JIS CODE: COA
 2nd copy - Appellee
 3rd copy - Appellant

Approved, SCAO

22 STATE OF MICHIGAN
 JUDICIAL CIRCUIT DISTRICT
 Washtenaw COUNTY
 IN THE COURT OF APPEALS

MAY 06 2014
CLAIM OF APPEAL
 PLANNING & DEVELOPMENT SERVICES

CASE NO.
CIRCUIT 14-0000448 AV
DISTRICT Nancy C Wheeler
PROBATE

Court address

101 E. HURON STREET, ANN ARBOR, MICHIGAN 48107

Court telephone no.
 (734) 222-3001

Plaintiff's/Petitioner's name(s) and address(es) Appellant
 Appellee
 FELCH LLC
 3140 LAKEWOOD
 ANN ARBOR, MICHIGAN 48103

Defendant's/Respondent's name(s) and address(es) Appellant
 CITY OF ANN ARBOR
 Appellee
 BUILDING BOARD OF APPEALS
 301 E. HURON STREET
 ANN ARBOR, MICHIGAN 48104

Plaintiff's attorney, bar no., address, and telephone no.
 PETER SHEFMAN
 3140 LAKEWOOD
 ANN ARBOR, MICHIGAN 48103
 (734) 545-8800

Defendant's attorney, bar no., address, and telephone no.
 301 E. HURON STREET
 ANN ARBOR, MICHIGAN 48107
 (734) 794-6140

Probate In the matter of CITY OF ANN ARBOR BUILDING BOARD OF APPEALS v FELCH LLC

Other interested party(ies) of probate matter

1. FELCH LLC claims an appeal from a final judgment or order entered on
 Name 04/14/2014 in the ANN ARBOR BUILDING BOARD APPEALS Court of the State of Michigan,
 Date 04/14/2014 Court name and number or county
 by district judge circuit judge probate judge district court magistrate
- ADMINISTRATIVE HEARING N/A
- Name of judge or district court magistrate Bar no.
Peter Shefman N/A
2. Bond on appeal is filed. attached. waived. not required.
3. a. The transcript has been ordered.
 b. The transcript has been filed.
 c. No record was made.
4. THIS CASE INVOLVES A CONTEST AS TO THE CUSTODY OF A MINOR CHILD.

05/02/2014

Date

Appellant/Attorney signature

RECEIVED
 MAY 2 2014
 Washtenaw County
 Clerk Register

PROOF OF SERVICE

I certify that copies of this claim of appeal and bond (if required) were served on

CITY OF ANN ARBOR on 05/02/2014 by personal service.
 first-class mail.

Name _____ Date _____ by personal service.
 first-class mail.

Name _____ Date _____ by personal service.
 first-class mail.

05/02/2014

Date

Peter Shefman on behalf of FELCH LLC
 Signature

MAY 7 2014

PLANNING & DEVELOPMENT SERVICES

CITY OF ANNARBOR BUILDING BOARD OF APPEALS	DECISION AND ORDER TO FELCH, LLC AND FIRST MILLER LIMITED PARTNERSHIP REGARDING DANGEROUS BUILDING	SHOW CAUSE NO. 14-0599
---	--	-------------------------------

TO FELCH, LLC AND FIRST MILLER LIMITED PARTNERSHIP:

THIS ORDER IS ISSUED IN THE MATTER OF THE SHOW CAUSE HEARING HELD ON APRIL 10, 2014, CONCERNING THE BUILDING, WHICH IS ON THE PROPERTY AT 410 MILLER AVENUE, ANN ARBOR, MICHIGAN, OWNED BY FELCH, LLC, AND ON A PORTION OF THE ADJACENT PROPERTY, OWNED BY FIRST MILLER LIMITED PARTNERSHIP, TO DETERMINE WHY THE BUILDING SHOULD NOT BE DEMOLISHED. A COPY OF THE LEGAL DESCRIPTION IS ATTACHED TO THIS DECISION AND ORDER.

Hearing Officers present at the Show Cause Hearing were Building Board of Appeals members Samuel Callan, Paul Darling, Robert Hart, Chair Kenneth J. Winters.

Presenting evidence and testimony on behalf of City staff was Ralph Welton, Building Official.

Peter Shefman was present at the hearing to speak on behalf of Felch, LLC, and Lisa York of McKinley, Inc. was present to speak on behalf of First Miller Limited Partnership.

Having held the Show Cause Hearing in this matter, based on the evidence and testimony presented at the hearing, the Building Board of Appeals finds that the Building is a dangerous building as defined in Chapter 101 of the Ann Arbor Code of Ordinances and orders it demolished, pursuant to the following motion and findings adopted by the Building Board of Appeals at the hearing:

Moved by R. Hart, That in the matter of the Show Cause hearing for 14-0599, concerning the building at 410 Miller Avenue, Ann Arbor, Michigan, owned by Felch, LLC, and on a portion of the adjacent property owned by First Miller Limited Partnership, the Building Board of Appeals finds that the Building is a dangerous building as defined in Chapter 101 of the Ann Arbor Code of Ordinances and that the owner(s) shall cause the building to be demolished or to be otherwise made safe. The owner(s) shall commence the necessary work by contacting the Building Official by April 24, 2014, regarding the requirements to obtain the necessary permits. The

MAY 06 2014

PLANNING & DEVELOPMENT SERVICES

owner(s) shall further pull such permits and shall complete the work by the 45th calendar day after the date of this decision and order. If the owner(s) does(do) not comply with this Order then the City will cause the building to be demolished.

THIS ORDER IS BASED ON THE FOLLOWING FINDINGS:

The building is vacant and accessible to outside non-inhabitants.
The building has a bowing masonry wall.
There is no roof on the front of the block building on Miller.
The building is not well secured.
There is a section of the roof missing on the rear frame portion of the building.
The general structure of the building has been compromised.

The motion was seconded by S. Callan.

On a Voice Vote – MOTION PASSED – UNANIMOUS.

FOR THIS REASON, THE BUILDING BOARD OF APPEALS ORDERS THAT
you (Felch, LLC and First Miller Limited Partnership) shall **DEMOLISH OR**
OTHERWISE MAKE SAFE the Building located on the property at 410 Miller, Ann Arbor, Michigan, and partially on the adjacent property.

THE BUILDING BOARD OF APPEALS FURTHER ORDERS THAT the work necessary to satisfy the requirements of this Order be **commenced by April 24, 2014,** and be **completed by May 27, 2014** and if you fail to comply with this Order, the City will cause the necessary work to be completed.

14 April 2014
Date


Kenneth Winters
Chairperson, Building Board of Appeals

You have limited rights to appeal the decision and order of the building board of appeals. See Ann Arbor Code Sections 8:388, 8:387(6).

CITY OF ANN ARBOR
RECEIVED

MAY 06 2014

LEGAL DESCRIPTION

PLANNING & DEVELOPMENT SERVICES

A.PRT OF NE 1/4 OF NW 1/4 OF SEC 29, T2S, R6E, DESC AS ALL THAT PRT NORTH OF MILLER AVE AND SOUTH OF FELCH ST, LYING E OF THE ANN ARBOR R.R. ROW (50FT WIDE) AND W OF A LINE DESCRIBED AS BEING PARALLEL WITH AND 25 FT DISTANT FROM THE E ROW LINE OF SAID R.R. ROW, MORE PARTICULARLY DESCRIBED AS A LINE BEG AT A PNT 50 FT E OF THE CENTERLINE OF THE R.R. ROW AND THE NLINE OF MILLER AV, TH N 51 DEG 01' E 350.49 FT; TH N 19 DEG 56' E 646.62 FT TO THE POINT OF ENDING. CONTAINING 24930 SF +- OR .16 ACRES +- THIS DESRIPITION IS FOR PROPERTY TAXATION PURPOSES ONLY. Split on 03/02/2000 from 09-09-29-221-030; COMMONLY KNOWN AS 410 MILLER AVENUE, Tax Parcel ID 09-09-29-221-035

AND

LOTS 8 THRU 14 & PRT OF LOTS 1 THRU 7, B3N, R1E, JAMES B. GOTTS ADDITION, DESC AS COM N 1/4 COR OF SEC 29, T2S, R6E, TH N 87 DEG 53 MIN 30 SEC E 29.32 FT, TH S 2 DEG 6 MIN 30 SEC E 33 FT, TH S 4 DEG 27 MIN 50 SEC W 436.08 FT, TH N 85 DEG 51 MIN 10 SEC W 66.25 FT, TH S 4 DEG 2 MIN 10 SEC W 131.56 FT FOR POB, TH CONT S 4 DEG 2 MIN 10 SEC W 465.54 FT, TH WLY 84.87 FT, TH NWLY 29.1 FT, TH N 60 DEG 34 MIN 20 SEC W 117.71 FT, TH ALG A LINE 50 FT ELY OF CL OF ML OF AARR TRACK N 15 DEG 1 MIN 40 SEC E 350.49 FT & ALG ARC OF CIR CUR RT, RAD 3769.83 FT, CH N 15 DEG 31 MIN 45 SEC E 66 FT, TH S 83 DEG 23 MIN 50 SEC E 137.76 FT TO POB; COMMONLY KNOWN AS 310 MILLER, Tax Parcel ID 09-09-29-221-032

STATE OF MICHIGAN

 JUDICIAL DISTRICT
 JUDICIAL CIRCUIT
 COUNTY PROBATE

DISMISSAL

CASE NO.

14-0000448AV

Court address

101 E. HURON STREET ANN ARBOR, Michigan 48107 (734) 222-3270

Court telephone no.

Plaintiff's name(s) and address(es)

FELCH LLC

Defendant's name(s) and address(es)

CITY OF ANN ARBOR

Plaintiff's attorney, bar no., address, and telephone no.

 PETER SHEPHERD
 3140 LAKEWOOD
 ANN ARBOR MICH 48103

 RECEIVED
 SEP - 22 2014
 Washtenaw County
 Clerk Register

Defendant's attorney, bar no., address, and telephone no.

 CITY ATTORNEY OFFICE
 STEPHEN POSTERIA / KRISTEN LARCOM
 301 E. HURON
 ANN ARBOR MICH 48107
 NOTICE OF DISMISSAL BY PLAINTIFF with without

prejudice as to:

1. Plaintiff/Attorney for plaintiff files this notice of dismissal of this case
 all defendants.
 the following defendant(s): _____

2. I certify, under penalty of contempt, that:
 a. This notice is the first dismissal filed by the plaintiff based upon or including the same claim against the defendant.
 b. All costs of filing and service have been paid.
 c. **No answer or motion has been served upon the plaintiff by the defendant as of the date of this notice.**
 d. A copy of this notice has been provided to the appearing defendant/attorney by mail personal service.

Date

Plaintiff/Attorney signature

 STIPULATION TO DISMISS with without

prejudice as to:

I stipulate to the dismissal of this case
 all parties. the following parties: _____

8-21-2014

Date

8/21/2014

Date

Plaintiff/Attorney signature

Defendant/Attorney signature

 Felch LLC / Peter Sheppard
 Peter Sheppard Phoe
 Kristen D. Larcom (P39550)
 Kristen D. Larcom
 ORDER TO DISMISS with without

prejudice. Conditions, if any: _____

 This order resolves the last pending claim and closes the case.

Date

Judge

Bar no.



CITY OF ANN ARBOR, MICHIGAN

301 E. Huron St., P.O. Box 8647, Ann Arbor, Michigan 48107-8647

Phone (734) 794-6170

FAX (734) 994-4954

www.a2gov.org

Office of The City Attorney

August 21, 2014

Peter Shefman
3140 Lakewood
Ann Arbor, MI 48103

Re: *Felch LLC v City of Ann Arbor*
Appeal of ZBA Decision

Dear Mr. Shefman:

Please find enclosed the original Dismissal form signed by Kristen D. Larcom. Please tell us when you file this with the Court so that the hearing set for September 3, 2014 can be cancelled.

Sincerely,

A handwritten signature in black ink, appearing to read "Jane A".

Jane Allen
Legal Assistant

Enc.

Approved, SCAO

Original - Court
1st copy - Applicant
Other copies - All appearing parties

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE	DISMISSAL	CASE NO. 14-0000448AV
--	-----------	--------------------------

Court address: 101 E. HURON STREET ANN ARBOR, Michigan 48107 Court telephone no. (734) 222-3270

Plaintiff's name(s) and address(es) FELCH LLC	Defendant's name(s) and address(es) CITY OF ANN ARBOR
--	--

Plaintiff's attorney, bar no., address, and telephone no. PETER SHERMAN 3140 LAKEWOOD ANN ARBOR MICH 48103	Defendant's attorney, bar no., address, and telephone no. CITY ATTORNEY OFFICE STEPHEN POSTLEWA / KRISTEN LARCOM 301 E. HURON ANN ARBOR MICH 48107
---	--

NOTICE OF DISMISSAL BY PLAINTIFF

1. Plaintiff/Attorney for plaintiff files this notice of dismissal of this case

- all defendants.
 the following defendant(s): _____

with
 without

prejudice as to:

2. I certify, under penalty of contempt, that:

- a. This notice is the first dismissal filed by the plaintiff based upon or including the same claim against the defendant.
- b. All costs of filing and service have been paid.
- c. **No answer or motion has been served upon the plaintiff by the defendant as of the date of this notice.**
- d. A copy of this notice has been provided to the appearing defendant/attorney by mail personal service.

Date

Plaintiff/Attorney signature

STIPULATION TO DISMISS

with
 without prejudice as to:

- I stipulate to the dismissal of this case
 all parties.
 the following parties: _____

8-21-2014

Date

8/21/2014

Date

Plaintiff/Attorney signature

Defendant/Attorney signature

ORDER TO DISMISS

IT IS ORDERED this case is dismissed

with
 without

prejudice. Conditions, if any: _____

- This order resolves the last pending claim and closes the case.

Date

Judge

Bar no.



CITY OF ANN ARBOR, MICHIGAN

301 E. Huron St., P.O. Box 8647, Ann Arbor, Michigan 48107-8647
Phone (734) 794-6170
FAX (734) 994-4954
www.a2gov.org

Office of The City Attorney

July 22, 2014

Peter Shefman
3140 Lakewood
Ann Arbor, MI 48103

Re: *Felch LLC v City*
Case No. 14-0000448 AV

Dear Mr. Shefman

On July 16, 2014, the City of Ann Arbor received a copy of the Court's Order Striking Notice which directed the City to file a written transcript in the above-entitled matter.

On July 22, 2014 a copy of the audio recording was delivered to Huron Reporting to be transcribed and the transcript should be completed on July 30, 2014. As soon as it is received a copy will be provided to the Court and to you.

Sincerely,

A handwritten signature in cursive script that reads "Jane Allen".
Jane Allen
Legal Assistant

cc: Kristen D. Larcom

STATE OF MICHIGAN
IN THE WASHTENAW COUNTY CIRCUIT COURT

FELCH LLC,

Appellant,

v

CITY OF ANN ARBOR,

Appellee.

Peter Shefman
3140 Lakewood
Ann Arbor, MI 48103
(734) 545-8800

Case No. 14-0000448 AV
Hon. Carol Kuhnke

Stephen K. Postema (P38871)
Kristen D. Larcom (P39550)
OFFICE OF THE CITY ATTORNEY
Attorneys for Appellee
301 E. Huron St., P.O. Box 8647
Ann Arbor, MI 48107-8647
Phone: (734) 794-6170

NOTICE OF HEARING

Please take notice that the Appellee City of Ann Arbor's Motion to Dismiss will be brought on for hearing before the Honorable Carol Kuhnke on Wednesday, the 3rd day of September, 2014, at 2:00 p.m., or as soon thereafter as counsel may be heard.

Dated: 8/19/14

By: 
Kristen D. Larcom (P39550)
Attorney for Appellee,
City of Ann Arbor
301 E. Huron St., P.O. Box 8647
Ann Arbor, MI 48107-8647
(734) 794-6170

PROOF OF SERVICE

I hereby certify that on August 19, 2014, I mailed, first class postage prepaid, a true and Correct Copy of Appellee City of Ann Arbor's Notice of Hearing on its Motion to Dismiss, Brief in Support, and Exhibits to Peter Shefman, 3140 Lakewood, Ann Arbor, MI 48103.


Jane Allen
Legal Assistant

STATE OF MICHIGAN 22ND JUDICIAL CIRCUIT	PRAECIPE FOR CIVIL / DOMESTIC MOTION	CASE NO. 14-0000448 AV JUDGE: Carol Kuhnke
Court Address Central Assignment, 101 E. Huron St., P.O. Box 8645, Ann Arbor, Michigan 48107-8645		Court telephone no. Telephone: (734) 222-3383 Fax (734) 222-3084
ALL BLANKS ON THIS PRAECIPE MUST BE PROPERLY COMPLETED. FAILURE TO COMPLY WITH THIS REQUIREMENT MAY RESULT IN THE COURT DECIDING NOT TO HEAR YOUR MOTION.		

Felch LLC, Appellant VS City of Ann Arbor, Appellee
(Plaintiff) (Defendant)

1. I wish to place a Motion for (state nature of motion in brief form): Motion to Dismiss

on the Motion Docket for Wednesday, September 3, 2014 at 2:00 p.m.
(Day) (Date) (Time)

BEFORE SUBMITTING THIS PRAECIPE TO THE COURT, YOU ARE REQUIRED TO CONTACT THE OTHER ATTORNEY OR PARTY (if in Pro Per) TO DETERMINE WHETHER THE SUBJECT OF YOUR MOTION IS A CONTESTED ISSUE. PLEASE INDICATE BELOW THAT YOU HAVE COMPLIED WITH THIS REQUIREMENT, OR EXPLAIN WHY IT WAS NOT POSSIBLE TO DO SO.

2. a. I have contacted opposing attorney/party and have been informed that this motion will / will not (CIRCLE ONE) be contested.
 b. I have not contacted opposing attorney/party for the following reason: There is no opposing attorney.

Dated: 8/19/14

(Signature of Moving Attorney/Party)

Kristen D. Larcom P- 39550 Attorney for City of Ann Arbor
(Name of Attorney for Plaintiff)

P- _____ 301 E. Huron St., P.O. Box 8647
(Name of Attorney for Plaintiff) (Street Address of Moving Attorney/Party)

P- _____ Ann Arbor, MI 48107-8647
(Name of Attorney for Plaintiff) (City, State and Zip Code of Moving Attorney/Party)

P- _____ (734) 794-6170
(Name of Attorney for Defendant) (Telephone Number of Moving Attorney/Party)

P- _____
(Name of Attorney for Defendant)

P- _____
(Name of Attorney for Defendant)

PRAECIPES shall be FILED in the Central Assignment Office, Room 103, at least 7 days before the time set for hearing.

COURT USE ONLY	(Do Not Write below line)
----------------	---------------------------

Praecipe dism, NOIC/per _____ Adj to _____ Disposition _____	Praecipe dism, NOIC, per _____ Adj to _____ Disposition _____
--	---

=====
STATE OF MICHIGAN | NOTICE OF INTENT | CASE GCW-14-0000448 -AV
22ND JUDICIAL CIRCUIT | TO DISMISS | JUDGE CAROL KUHNKE
=====

101 E. HURON, P.O. BOX 8645, ANN ARBOR, MI 48107-8645 PH: (734) 22 -3386
=====

FELCH LLC V CITY OF ANN ARBOR
=====

PLAINTIFF DEFENDANT
=====

LARCOM, KRISTEN D : ATTORNEYS:
100 N 5TH AVE : PLTF 1:
PO BOX 8647 : PLTF 2:
ANN ARBOR MI 48107-8647 : DEFT 1: POSTEMA, STEPHEN K
: DEFT 2:
: DEFT 3:
: DEFT 4:
=====

NOTICE

IT APPEARS TO THIS COURT THAT THE PARTIES/ATTORNEYS HAVE NOT COMPLIED WITH
THE REQUIREMENTS OF THE COURT BECAUSE Failure to comply
MCR 7.109 and 7.111.

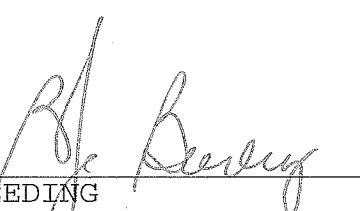
THEREFORE IF THE JUDGMENT/ORDER IS NOT RECEIVED BY August 26, 2014.
THE COURT WILL DISMISS THE CASE.

NOTICE IS SENT TO PARTIES/ATTORNEYS OF RECORD.

DATED: 08/15/14

CAROL KUHNKE
CIRCUIT JUDGE

BY



BETTY JO BEEDING
JUDICIAL SECRETARY

Distribution of form: Original - Appellate court
1st copy - Trial court
2nd copy - Appellee/Attorney

3rd copy - Appellant/Attorney
4th copy - Reporter/Recorder
JIS Code: RRC

Approved, SCAO

Appeal to: Court of Appeals Circuit

STATE OF MICHIGAN
JUDICIAL DISTRICT
22ND JUDICIAL CIRCUIT
COUNTY PROBATE

REPORTER/RECORDER CERTIFICATE
OF ORDERING
TRANSCRIPT ON APPEAL

CASE NO.

Court address:

101 E. HURON STREET, ANN ARBOR, MICHIGAN 48107

Court telephone no.

(734) 222-3001

RECEIVED

MAY 06 2014

PLANNING & DEVELOPMENT

Plaintiff's/Petitioner's name(s) and address(es) Appellant
FELCH LLC Appellee
3140 LAKEWOOD
ANN ARBOR, MICHIGAN 48103

Defendant's/Respondent's name(s) and address(es) Appellant
CITY OF ANN ARBOR Appellee

Plaintiff's attorney, bar no., address, and telephone no.

PETER SHEFMAN
3140 LAKEWOOD
ANN ARBOR, MICHIGAN 48103

BUILDING BOARD OF APPEALS
301 E. HURON STREET
ANN ARBOR, MICHIGAN 48104

Defendant's attorney, bar no., address, and telephone no.

301. E. HURON STREET
ANN ARBOR, MICHIGAN 48104

Probate In the matter of _____

This certificate must be filed by the appellant or the reporter/recorder within 7 days after the transcript is ordered on appeals to the Court of Appeals. This certificate must be filed by the appellant within 7 days after the transcript is ordered on appeals to the circuit court.

I am a certified court reporter/recorder for the court designated above and I certify that:

1. On 05/02/2014 a portion of the the complete transcript of proceedings, taken in this case Date before Hon. BUILDING BOARD OF APPEALS on 04/10/2014, was ordered by

a. PETER SHEFMAN, attorney for FELCH LLC
Attorney name (type or print) Name (type or print)

b. the appellant, FELCH LLC
Name (type or print)

c. the appellee, _____
Name (type or print)

d. the court.

2. Payment has been secured and the transcript will be furnished by me on or about _____
Estimated number of pages is _____ Estimated date of completion

3. The transcript has been filed with the court and furnished as requested. Date filed: _____

4. There is no record to be transcribed.

05/02/2014

Date

Reporter/Recorder signature

PETER SHEFMAN

Name (type or print)

Certification designation and number

3140 Colnewood

Business address

Ann Arbor, Michigan 48101 555-8888

City, state, zip

Telephone no.

List names, certification designations and numbers, and dates of each proceeding of each reporter or recorder who reported or recorded or transcribed any part of the proceedings:

STATE OF MICHIGAN
IN THE COURT FOR THE 22ND JUDICIAL CIRCUIT

FELCH LLC,

Appellant,

Hon. Carol Kuhnke
Case No. 14-448-AV

COPY

RECEIVED
JUL 10 2014
OFFICE OF THE CITY ATTORNEY
CITY OF ANN ARBOR

City of Ann Arbor,
Appellee.

Peter Shefman
Appellant
3140 Lakewood
Ann Arbor, MI 48103
734-545-8800

Stephen K. Postema P38871
Kristen D. Larcom P39550
OFFICE OF THE CITY ATTORNEY
Attorneys for Appellee
301 E. Huron St., PO Box 8647
Ann Arbor, MI 48107-8647
734-994-4954

ORDER STRIKING NOTICE

Date of Entry: JUL 03 2014

The Court has reviewed Appellant's filing styled "Notice to the Court", dated June 12, 2014 and requesting information from the Court concerning a recording provided as the record on appeal. The Notice does not comply with the court rules as a motion, and is hereby stricken. The Court notes that the City of Ann Arbor must file a written transcript, not audio recording, and notify the circuit court and parties under with MCR 7.109(B)(3)(b), (e) and (f). The parties are directed to also consider MCR 7.104(E)(5), MCR 7.109(A), MCR 7.109(B)(1)(a) and (c), MCR 7.109(B)(1), MCR 7.109(B)(3)(a) and (b), MCR 7.110, MCR 7.210(A), and MCR (B)(1) and (2).

IT IS SO ORDERED


Carol Kuhnke, Trial Court Judge

JUL 03 2014

P55348

PROOF OF SERVICE

I certify that on July 1, 2014, I served copies of this Order, dated July 3, 2014 upon the parties by first class mail to the addresses listed in the heading.


Jo Beering, Judicial Coordinator to Judge Carol Kuhnke



WASHTENAW COUNTY TRIAL COURT

Washtenaw County Trial
Court
101 E. Huron St., PO Box
8645
Ann Arbor, MI 48107-8645

(734) 222-3270

tcadmin@ewashtenaw.org

Search**GO**

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SIGNED ORDERS

JUDGE KUHNKE

Last Updated 09-02-2014 at 10:59:24 PM

Date Signed	Case Number	Plaintiff Name	Description
9/02/14	12-2785-DM	Nowak v Nowak	Waiver/Susp of fees/costs (grtd-dft)
9/02/14	14-2022-PP	Lambert v Lambert	Denial of EXP PPO & Dismissal of case
9/02/14	14-2016-PP	Lambert v Lambert	Denial of EXP PPO & Dismissal of case
9/02/14	14-2019-PH	Pressley v Taylor	Not of rgt to hrg/Denial of EXP PPO
9/02/14	14-512-DM	Kumar v Kumar	Ord Waive 6 mos waiting period
9/02/14	14-512-DM	Kumar v Kumar	Consent Judgment of Divorce (CLOSES)
9/02/14	14-512-DM	Kumar v Kumar	Uniform child Supp Order (final)
9/02/14	14-448-AV	Felch v City of Ann Arbor	Dismissal/Stip/Ordedr to dismiss (CLOSES)
9/02/14	14-666-DM	Hassan v Hassan	Uniform Child Supp Ord
9/02/14	14-666-DM	Hassan v Hassan	Consent Judgment of Divorce (CLOSES)
9/02/14	14-742-CK	Wade Trim v Charter TWP of Augusta, MI	Ord confirming Arbitration Award
9/02/14	14-2031-PH	Thabata v Green	EXP PPO (exp=3/02/15)
8/29/14	14-369-DM	Raymond II v Raymond	Judgment of Divorce (CLOSES)
	14-369-	Raymond II v	

To : Ann Arbor Building Board of Appeals
Att: City Clerk of Ann Arbor
Stephen Postema-City Attorney
Kristen Larcom-City Attorney
City of Ann Arbor
301 E Huron St. PO Box 8647
Ann Arbor, Michigan 48107-8847

July 14, 2014

RECEIVED

JUL 14 2014

OFFICE OF THE CITY ATTORNEY
CITY OF ANN ARBOR

RE: REQUEST WRITTEN TRANSCRIPT OF BUILDING BOARD OF APPEAL HEARING
DATED APRIL 10, 2014

Please allow this correspondence to act a request for the complete written transcript for the Circuit Court Appeal of the order from Show Cause hearing by the City of Ann Arbor Building Board of Appeals dated April 10, 2014 regarding Felch LLC and the building located at 410 Miller

Appeal case : STATE OF MICHIGAN
IN THE WASHTENAW CIRCUIT COURT

PETER SHEFMAN ON BEHALF
OF FELCH LLC
Appellant,

v

Circuit Court Appeal No. 14-448-AV
City of Ann Arbor Building Board
of Appeal Order 14-0599
HONORABLE CAROL KUHNKE

CITY OF ANN ARBOR
Appellee.

Additionally, please find attached the order order (copy attached) from the 22nd Circuit Court judge dated July 3, 2014 which directs the City of Ann Arbor to file a written transcript (not audio recording) with the court and notify the parties pursuant the Michigan Court Rules and provide notice to all parties and the court pursuant the Michigan Court Rules.

Thank you for you assistance,

Submitted by:
Dated: July 14, 2014


Felch LLC by Peter Shefman

Appellant
3140 Lakewood
Ann Arbor, Michigan 48103
(734) 545-8800

STATE OF MICHIGAN
IN THE COURT FOR THE 22ND JUDICIAL CIRCUIT

FELCH LLC,

Appellant,

Hon. Carol Kuhnke
Case No. 14-448-AV

COPY

City of Ann Arbor,

Appellee.

Peter Shefman
Appellant
3140 Lakewood
Ann Arbor, MI 48103
734-545-8800

Stephen K. Postema P38871
Kristen D. Larcom P39550
OFFICE OF THE CITY ATTORNEY
Attorneys for Appellee
301 E. Huron St., PO Box 8647
Ann Arbor, MI 48107-8647
734-994-4954

RECEIVED

JUL 14 2014

OFFICE OF THE CITY ATTORNEY
CITY OF ANN ARBOR

ORDER STRIKING NOTICE

Date of Entry: JUL 08 2014

The Court has reviewed Appellant's filing styled "Notice to the Court", dated June 12, 2014 and requesting information from the Court concerning a recording provided as the record on appeal. The Notice does not comply with the court rules as a motion, and is hereby stricken. The Court notes that the City of Ann Arbor must file a written transcript, not audio recording, and notify the circuit court and parties under with ~~MCR 7.109(B)(3)(b), (e)~~ and (f). The parties are directed to also consider ~~MCR 7.104(E)(5), MCR 7.109(A), MCR 7.109(B)(1)(a) and (c), MCR 7.109(B)(1), MCR 7.109(B)(3)(a) and (b), MCR 7.110, MCR 7.210(A), and MCR (B)(1) and (2).~~

IT IS SO ORDERED

Carol Kuhnke
Carol Kuhnke, Trial Court Judge

JUL 08 2014

P55348

I certify that on July 7, 2014, I served copies of this Order, dated July 3, 2014, upon the parties by first class mail to the addresses listed in the heading.

Jo Beiring
Jo Beiring, Judicial Coordinator to Judge Carol Kuhnke

STATE OF MICHIGAN
IN THE WASHTENAW COUNTY CIRCUIT COURT

PETER SHEFMAN ON BEHALF
OF FELCH LLC

Appellant-pro se,

v

CITY OF ANN ARBOR
Appellee.

Circuit Court Appeal No. 14-0000448 AV
Hon. Carol Kuhnke

RECEIVED
AUG 21 2014
OFFICE OF THE CITY ATTORNEY
CITY OF ANN ARBOR

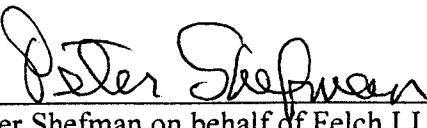
APPELLANT'S RESPONSE TO APPELLEE'S MOTION TO DISMISS

NOW COMES, Peter Shefman, pro se, on behalf of Felch LLC. Appellant's attorney was unavailable for the April 14, 2014 in the City of Ann Arbor, Building Board of Appeals which issued a subsequent order No. 14-0599, which is the subject of this appeal. Appellant was not afforded a meaningful opportunity to request additional time to allow his attorney be present. Therefore, Appellant was compelled to proceed pro se. Appellant just received appellee's "Motion to Dismiss" end of day on August 20, 2014 and upon subsequent reading that evening, is of the belief he had been misguided and incorrect to file appeal in the manner filed.

The appeal has just been started , with only appellant's claim filed prior to this motion to dismiss. Appellant wishes to respect the judicial economy of the Court and of the parties, and especially avoid unnecessary court hearings. Therefore, Appellant requests this Appeal be dismissed forthwith, voluntarily and without prejudice, and appellant allowed to seek further assistance.

Submitted by:

Dated: August 21, 2014


Peter Shefman on behalf of Felch LLC
Appellant-pro se

STATE OF MICHIGAN
IN THE WASHTENAW COUNTY CIRCUIT COURT

PETER SHEFMAN ON BEHALF
OF FELCH LLC

Appellant-pro se,

v

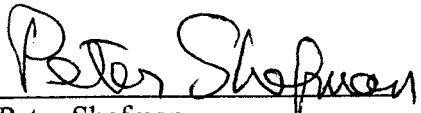
CITY OF ANN ARBOR
Appellee.

Circuit Court Appeal No. 14-0000448 AV
Hon. Carol Kuhnke

PROOF OF SERVICE

Peter Shefman being sworn deposed that he "hand delivered" on 8-21-2014 to the Office of the City Attorney, City of Ann Arbor, located at 301 E. Huron St. in Ann Arbor, Michigan 48104 and enclosed the following: APPELLANT'S RESPONSE TO APPELLEE'S MOTION TO DISMISS and PROOF OF SERVICE.

Subscribed and sworn on 8-18-2014


Peter Shefman
Peter Shefman
Appellant-pro se

Approved, SCAO

Original - Court
1st copy - Applicant
Other copies - All appearing parties

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE	DISMISSAL	CASE NO. <i>14-0000448AV</i>
--	-----------	---------------------------------

Court address

Court telephone no.

101 E. HUON STREET ANN ARBOR, Michigan 48107 (734) 222-3220

Plaintiff's name(s) and address(es)

FSLCH LLC

Defendant's name(s) and address(es)

CITY OF ANN ARBOR

Plaintiff's attorney, bar no., address, and telephone no.

*PETER SHEPPARD
3140 LAKEWOOD
ANN ARBOR MICH 48103*

Defendant's attorney, bar no., address, and telephone no.

*CITY ATTORNEY OFFICE
STEVEN POSTLEAD / KAREN LARSON
301 E. HUON
ANN ARBOR MICH 48107*

NOTICE OF DISMISSAL BY PLAINTIFF

1. Plaintiff/Attorney for plaintiff files this notice of dismissal of this case

with

without

prejudice as to:

all defendants.

the following defendant(s): _____

2. I certify, under penalty of contempt, that:

a. This notice is the first dismissal filed by the plaintiff based upon or including the same claim against the defendant.

b. All costs of filing and service have been paid.

c. No answer or motion has been served upon the plaintiff by the defendant as of the date of this notice.

d. A copy of this notice has been provided to the appearing defendant/attorney by mail personal service.

Date

Plaintiff/Attorney signature

STIPULATION TO DISMISS

I stipulate to the dismissal of this case

with

without

prejudice as to:

all parties.

the following parties: _____

8-21-2014

FSLCH LLC / Peter Sheppard

Plaintiff/Attorney signature

Peter Sheppard Prose

Date

Defendant/Attorney signature

ORDER TO DISMISS

IT IS ORDERED this case is dismissed

with

without

prejudice. Conditions, if any: _____

This order resolves the last pending claim and closes the case.

Date

Judge

Bar no.



City of Ann Arbor

Text File

File Number: 15-0152

301 E. Huron St.
Ann Arbor, MI 48104
<http://a2gov.legistar.com/Calendar.aspx>

Agenda # DB-3

Introduced: 3/2/2015

Current Status: Deleted from Agenda

Version: 1

Matter Type: Resolution

Resolution to Affirm Building Board of Appeals' Decision and Order Dated April 14, 2014, Finding the Building at 410 Miller, Ann Arbor, Michigan, to be a Dangerous Building

Staff recommends that Council pass the attached resolution, which affirms the Decision and Order of the Ann Arbor Building Board of Appeals ("BBA") that the building at 410 Miller Avenue is a dangerous building and ordered the owner of the property, Felch LLC, to repair or demolish it. Passage of the resolution will allow the City to have the building demolished at the owner's cost, which if not paid will become a lien on the property. A GIS map is attached showing the location of the property and the building on it.

The BBA held a hearing on April 10, 2014. At that time, Peter Shefman, on behalf of Felch LLC, presented his case as to why the BBA should not find the building to be dangerous and should not order demolition. The BBA disagreed with the property owner and issued an oral decision to repair or demolish the building, which was memorialized in a written Decision and Order dated April 14, 2014. The Decision and Order further provided that if the owner failed to comply then the City would demolish it.

The owner did not comply with the BBA's Order. However, the owner filed an appeal to the circuit court and a separate appeal to City Council, as provided under the dangerous building ordinance (Chapter 101, Section 8:387[6]). (A small portion of the building is located on adjacent property owned by First Miller Limited Partnership, but it did not appeal the demolition order).

The appeal to Council is now before you, because the owner voluntarily dismissed the appeal to circuit court.

In an appeal to Council, Section 8:387(6) requires Council to "consider the appeal upon the record of proceedings" in the BBA. This means there is no public hearing in front of Council. Section 8:387(6) further provides that Council "may reverse, affirm or modify" the BBA's decision" and, if desired "may require additional information."

Attached is a copy of the documents that constitute the "record of proceedings" (the PDF is bookmarked). The record consists of (1) a GIS map; (2) the agenda packet for the April 10, 2014, BBA meeting (portion relating to 410 Miller); (3) the approved minutes of the

File Number: 15-0152

April 10, 2014, meeting; (4) a copy of the BBA's Decision and Order; and (5) the appeal letter to Council.

Prepared by: Kristen Larcom, Senior Assistant City Attorney

Reviewed by: Stephen K. Postema, City Attorney

Approved by: Steven D. Powers, City Administrator

File Number: 15-0152

Resolution to Affirm Building Board of Appeals' Decision and Order Dated April 14, 2014,
Finding the Building at 410 Miller, Ann Arbor, Michigan, to be a Dangerous Building

Whereas, The Ann Arbor Building Board of Appeals ("BBA") is empowered to find a building to be a dangerous building as defined in Chapter 101 (Dangerous Buildings) of the Ann Arbor City Code and issue an order requiring the owner to take action within a specified period of time;

Whereas, On April 14, 2014, the BBA issued a Decision and Order finding the building at 410 Miller in the City of Ann Arbor to be a dangerous building and requiring the owner to demolish it or otherwise make it safe by May 27, 2014;

Whereas, The Decision and Order provided that if the owner failed to comply then the City would demolish the building;

Whereas, The owner of the building filed an appeal of the BBA's Decision and Order to the City Council; and

Whereas, The City Council has considered the record of proceedings before the Building Board of Appeals concerning 410 Miller;

RESOLVED, That City Council affirm the April 14, 2014, Decision and Order of the BBA.

City of Ann Arbor
301 E. Huron Street
Ann Arbor, Michigan 48104

CITY OF ANN ARBOR
CITY CLERK
REC'D

2015 FEB 25 PM 3:53

February 25, 2015

CITY OF ANN ARBOR
CITY CLERK
REC'D

2015 FEB 25 PM 4:3

To: Ann Arbor City Council

RE: Appeal of Building Board of Appeals April 10, 2014 Decision and Order No14-0599

This letter is in response to a letter from The Office of The City Attorney dated February 5, 2015, informing that the appeal by Felch LLC of April 21, 2014 to this City Council will be placed on the Council's meeting agenda on March 2, 2015. A copy of the letter is enclosed. I am Peter Shefman, representative for Felch LLC at all times herein mentioned.

The purpose of this letter is to oppose the calendaring and consideration of the appeal matter for reasons stated hereinafter. In the alternative, in the event this Council must consider the appeal, the Council is requested to continue the matter to a future hearing so that appellant Felch LLC can adequately prepare.

Facts. The subject real property comprises a old one-story building on a lot measuring 25 feet by 997.11 feet extending northward from Miller Avenue at 410 Miller. The property is immediately east of a elevated railroad and the 792 square foot building is adjacent to Miller. The building is "L-shaped" and unique because part of the small leg of the "L" is located on a separate East-adjacent property owned by First Miller Limited Partnership.

Peter Shefman purchased 410 Miller on March 25, 1986, from the State of Michigan. He later transferred the property to C and L, Inc., and on September 7, 1999, the property was transferred to Felch LLC.

At all times herein, the building on the Felch property has been occupied in accordance with Section 8:380(b) of Chapter 101 of the Ann Arbor City Code, and utilized for storage.

Ralph Welton, Chief Development Official of the City of Ann Arbor, filed a Dangerous Building Notice and Order dated May 17, 2013, addressed to Felch LLC alleging that: "... the above property is a dangerous building as defined in provisions of Section 8:382 of Chapter 101 of the Ann Arbor City Code, including but not limited to subsections 2, 6, 7, 9, and 10." Specifically, the Notice alleged that: "Shed/barn -- Compromised envelope including: broken window panes, unsecured, weathered, and delaminated plywood, entry points throughout, structural shifting and wracking, roof compromised." The Notice requested meeting "to discuss your intentions for restoring or demolishing the property..."

A second and amended Dangerous Building Notice and Order dated May 28, 2013, was addressed to both Felch LLC and Peter Shefman, and including a metes and bounds description of the property. This second Notice stated "... you are required to repair the above defects or demolish the building[s]. In order to get started, you must contact me no later than 4:00 p.m. on June 5, 2013. ... You are further required to complete the necessary repairs or demolish the building by June 7, 2013. You must obtain all necessary permits to perform any work on the Property. The City would prefer

that this danger to the public be eliminated by your voluntary compliance, which can be facilitated by communicating with me."

In accordance with the stated requirements, I met with Mr. Welton at the subject property and we discussed repairs he and I intended. At this meeting, he learned of the fact that the subject building was located on two properties. He instructed me to do nothing until I heard from him. I received no further direction from him before March 5, 2014, 10 months later.

Mr. Welton filed a Dangerous Building Order To Show Cause on April 10, 2014, dated March 5, 2014, addressed to Felch LLC and Peter Shefman alleging that: "Inspection reveals that you have not undertaken the work necessary to demolish the building or to otherwise make it safe."

The Order To Show Cause further states: "At the hearing you will have an opportunity to show cause why you should not be required to demolish or otherwise make safe the building at the above-referenced address . . . The Building Board of Appeals will take your testimony and the testimony of any other interested persons. Please bring any evidence you wish to submit to the Board."

An error in the Order to Show Cause was that a alleged enclosed Notice and Order was not included in the Order to Show Cause served. The Order to Show Cause states in its first paragraph: "A Dangerous Building Notice and Order, a copy of which is enclosed and made part of this Order to Show Cause, was served on you on the date indicated informing you that the building that you own and/or have an interest in at the above-referenced address is a dangerous building, as defined in Section 8:382 of the Ann Arbor City Code. Your building was deemed dangerous pursuant to the provisions listed in the enclosed Notice and Order due to the conditions listed therein." *Underlining added.* The missing enclosure could not be identified and without the listed conditions listed therein, the Order to Show Cause was rendered meaningless.

The attorney for Felch LLC planned to attend the hearing but was unable to attend. I attended and was prepared to present evidence and testimony, but was prevented from doing so by Assistant City Attorney Larcom.

The attorney for Felch LLC timely filed an appeal to the City Council and in the Court. The appeal to the City Council must be filed within seven days of the Board's Decision and Order, i.e. by April 21, 2014.

Necessary to any appeal of the Order to Show Cause is a written transcript of the proceedings before the Board of Appeals on April 10, 2014. Section 8:387(6) of Chapter 101 of the Ann Arbor City Code provides, in part: "The City Council shall consider the appeal upon the record of proceedings before the Building Board of Appeals." The record was made on a CD which was inaudible and could not be transcribed. I was given a copy of the CD by the City and on May 3, 2014, sought the required transcript from the City through the Freedom of Information Act. In a letter dated July 22, 2014, the Office of The City Attorney wrote to me: "On July 22, 2014 a copy of the audio recording was delivered to Huron Reporting to be transcribed and the transcript should be completed on July 30, 2014. As soon as it is received a copy will be provided . . . to you." However, on August 19, 2014, Kristin Larcom of the Office of The City Attorney reported to me by telephone that Huron Reporting could not transcribe the audio and there would be no transcript. I confirmed the information in a letter to her of that date.

To be clear, there were a number of objections to the Decision and Order; however, the time limits on the appeal (without stating grounds), dictated filing to protect the rights.

Throughout, Felch LLC has supported repairing the subject building (and demolishing that portion of the building on the East-adjacent property). To the extent that the Decision and Order required meeting with Mr. Welton and filing by May 29, 2014, the proper permit requests to make the building safe, Felch LLC is and was in complete agreement. In fact, with the kind direction and assistance of Mr. Welton, the permit requests were filed timely and fees paid. Mr. Welton completed the Request Form and rendered full assistance. On May 29, 2014, Felch LLC was in full compliance with the Decision and Order of the Board of Appeals and as a result, these events rendered moot or irrelevant the appeal earlier filed.

On date of this letter, Planning & Development Services Unit is processing the Permit Request. In a recent letter dated February 11, 2015, Peter Shefman was informed by Craig Strong, Building Official, that "the Building Department will not issue a building permit for this project until you have satisfied the 'Hold' status that the Storm water and Floodplain Management Office has placed on the property." The Hold is believed to be based on incorrect data and is being pursued on behalf of the property owner.

The above facts are relied upon hereinafter in setting forth the grounds why the City Council should not consider the subject appeal of Felch LLC.

Contentions:

1. The Board of Appeals made a Decision and Order on April 14, 2014, which was appealed on April 21, 2014, and fully complied with on May 29, 2014. The compliance rendered moot and not relevant any appeal to the Decision and Order.
2. The Decision and Order of the Board of Appeals is unsupported by a transcript of the proceedings/hearing on April 10, 2014, and for that reason is unenforceable. Being unenforceable by law, there is no purpose in the City Council considering the appeal.
3. The Board of Appeals at said hearing did not allow testimony and evidence to be submitted by Owner Felch LLC, but with no transcript, this appealable ground is controlled by Contention 2, and an appeal is inappropriate.
4. The Dangerous Building Notice and Order of May 17, 2013, and/or May 28, 2013, on which the Show Cause Order of March 5, 2014, may be dependent, fails to locate which of two properties and Owners the listed defects of the building fall. This basic appealable ground is controlled by Contention 2, and an appeal is inappropriate.

Conclusion. With respect to Felch LLC, the Decision and Order was complied with as evidenced with the requested repair permits and fees paid. After that compliance, the process of issuance of permits is in the hands of the Planning & Development Services Unit. The process has proven time consuming as illustrated by the Notice of "Hold" given nearly eight months after formally requesting the permits. However, the process and delay is a separate matter and possible appeal from that being presented to

the City Council and subject of this letter. For the reasons stated, the appeal of Felch LLC made on April 21, 2014, should not be considered by the City Council.

Should the City Council take up the appeal notwithstanding, Appellant Owner requests a continuance to provide documentation supporting its case.

Respectfully submitted,



Peter Shefman and
on behalf of Felch L.L.C.
3140 Lakewood Drive
Ann Arbor, Michigan 48103



CITY OF ANN ARBOR, MICHIGAN

301 E. Huron St., P.O. Box 8647, Ann Arbor, Michigan 48107-8647

Phone (734) 794-6170

FAX (734) 994-4954

www.a2gov.org

Office of The City Attorney
Felch LLC
Peter Shefman
3140 Lakewood Dr
Ann Arbor, MI 48103

February 5, 2015

Re: Appeal to City Council re: 410 Miller Avenue, Ann Arbor, Michigan

Dear Mr. Shefman,

This is to inform you that your appeal to City Council of the Building Board of Appeals' Decision and Order of April 14, 2014, concerning 410 Miller, will be on the Council's meeting agenda on March 2, 2015. Council meetings are held in the City Council Chambers on the second floor of City Hall, at 301 East Huron Street, Ann Arbor, Michigan. The meeting starts at 7:00 p.m.

Your presence at the meeting is not required, but if you wish to attend you would be wise to arrive at 7:00 p.m.. as it is not possible to predict when Council will be considering any particular item on the agenda.

A copy of the Decision and Order is enclosed, as well as a copy of Code Section 8:387, which addresses appeals to Council in subsection (6).

The Council agenda and the agenda packet are published by 4:00 p.m. on the Thursday before the Council meeting. They can be viewed on-line and at the Clerk's Office on the second floor of City Hall. To view on-line go to <http://www.a2gov.org/departments/city-clerk/Pages/City-Council-Meetings.aspx>. Do not hesitate to call me if you encounter any difficulty and I will attempt to assist you.

I spoke with attorney Jonathan Rose and provided him with the same information that is contained in this letter. He indicated he would try to reach you, however, he informed me that he is no longer representing you. Thus, I am contacting you directly.

Sincerely,

Kristen D. Larcom
Senior Assistant City Attorney

KDL/ja
Enc.

◆◆ SCOTT E. MUNZEL, P.C.
ATTORNEY AT LAW

603 W. HURON STREET
ANN ARBOR, MI 48103
P: 734-994-6610 Fx: 734-769-9055
E: SEM@MUNZELLAW.COM

April 21, 2014

VIA HAND DELIVERY

Ms. Jackie Beaudry
City Clerk
City of Ann Arbor
100 N. Fifth Avenue
P.O. Box 8647
Ann Arbor, MI 48107-8647

2014 APR 21 PM 3:52
CITY OF ANN ARBOR
CITY CLERK
REC'D

Re: Notice of Appeal- Building Board of Appeals Order 14-0599/410 Miller Avenue

Dear Ms. Beaudry:

I represent Felch LLC, owner of 410 Miller Avenue. On April 14, 2014, the Building Board of Appeals held a hearing and issued an Order related to the property located at 410 Miller Avenue, requiring certain repairs. The owner has the right to appeal both to City Council as well as to Circuit Court, pursuant to Chapter 101, Section 8:387(6) and 8:388 of the City Code, and wishes to preserve all rights by filing an appeal with the City Council of this Order. I will note that the situation is somewhat complicated by the fact that the actual building straddles the property line and thus is constructed on property owned by two different owners, Felch LLC and First Miller Limited Partnership.

Pursuant to Chapter 101, Section 8:387(6), this letter is a notice of appeal, and is being delivered to your office. A copy is also being delivered to the City Attorneys' Office, to the attention of Kristen Larcom.

Please contact me if you have any questions, and thank you for your cooperation in this matter.

Sincerely,


Scott E. Munzel

Cc: Kristen Larcom, Ann Arbor City Attorneys' Office



City of Ann Arbor

301 E. Huron St.
Ann Arbor, MI 48104
<http://a2gov.legistar.com/Calendar.aspx>

Text File

File Number: 14-0684

Agenda # F-7

Introduced: 5/5/2014

Current Status: Filed

Version: 1

Matter Type: Report or Communication

Communication dated April 21, 2014 from Scott E. Munzel Regarding an Appeal to City Council of Building Board of Appeals Order 14-0599 for 410 Miller Avenue

File Number: 14-0684

Communication dated April 21, 2014 from Scott E. Munzel Regarding an Appeal to City Council of Building Board of Appeals Order 14-0599 for 410 Miller Avenue



City of Ann Arbor

301 E. Huron St.
Ann Arbor, MI 48104
<http://a2gov.legistar.com/Calendar.aspx>

Text File

File Number: 14-0599

Agenda #

Introduced: 4/10/2014

Version: 1

Current Status: Passed

Matter Type: Report or Communication

BBA14-0014 - Show Cause Hearing - 410 Miller

BBA14-0014 - Show Cause Hearing - 410 Miller



RALPH WELTON
CHIEF DEVELOPMENT OFFICIAL
CITY OF ANN ARBOR, MICHIGAN

Community Services Area
Planning & Development Services Unit
301 East Huron, P.O. Box 8647,
Ann Arbor, Michigan 48107-8647
Phone: (734) 794-6261
Fax: (734) 994-8460
rwelton@a2gov.org

**DANGEROUS BUILDING
ORDER TO SHOW CAUSE ON APRIL 10, 2014**

March 5, 2014

BY CERTIFIED MAIL, FIRST CLASS MAIL, & POSTING

Felch LLC
Peter Shefman
3140 Lakewood Dr
Ann Arbor, MI 48103

Re: 410 Miller Avenue, Ann Arbor, Michigan
Parcel Identification Number ("PIN"): 09-09-29-221-035

Dear Felch, LLC and Mr. Shefman:

A Dangerous Building Notice and Order, a copy of which is enclosed and made part of this Order to Show Cause, was served on you on the date indicated informing you that the building that you own and/or have an interest in at the above-referenced address is a dangerous building, as defined in Section 8:382 of the Ann Arbor City Code. Your building was deemed dangerous pursuant to the provisions listed in the enclosed Notice and Order due to the conditions listed therein.

Inspection reveals that you have not undertaken the work necessary to demolish the building or to otherwise make it safe.

Therefore, this is your notice that a public hearing, which you and/or your attorney are ordered to attend, will be conducted by the Ann Arbor Building Board of Appeals on April 10, 2014, at 1:30 p.m. on the 2nd floor City Council Chambers in the Ann Arbor

City Hall. At the hearing you will have an opportunity to show cause why you should not be required to demolish or otherwise make safe the building at the above-referenced address, which is more specifically described as follows:

A PRT OF NE 1/4 OF NW 1/4 OF SEC 29, T2S, R6E, DESCR AS ALL THAT PRT NORTH OF MILLER AVE AND SOUTH OF FELCH ST, LYING E OF THE ANN ARBOR R.R. ROW (50FT WIDE) AND W OF A LINE DESCRIBED AS BEING PARALLEL WITH AND 25 FT DISTANT FROM THE E ROW LINE OF SAID R.R. ROW, MORE PARTICULARLY DESCRIBED AS A LINE BEG AT A PNT 50 FT E OF THE CENTERLINE OF THE R.R. ROW AND THE NLINE OF MILLER AV, TH N 51 DEG 01' E 350.49 FT; TH N 19 DEG 56' E 646.62 FT TO THE POINT OF ENDING. CONTAINING 24930 SF +- OR .16 ACRES +- THIS DESRIPTION IS FOR PROPERTY TAXATION PURPOSES ONLY. Split on 03/02/2000 from 09-09-29-221-030;

The Building Board of Appeals will take your testimony and the testimony of any other interested persons. Please bring any evidence you wish to submit to the Board. A copy of this Dangerous Building Order to Show Cause is being filed with the Washtenaw County Register of Deeds.

The Ann Arbor City Hall is located at 301 East Huron, Ann Arbor Michigan.

If you have any questions please contact me by e-mail or phone.

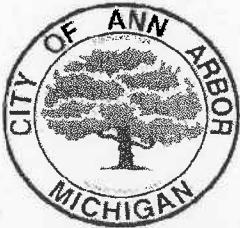
Sincerely,



Ralph Welton, Building Official
City of Ann Arbor Construction Services
(734) 794-6261, rwelton@a2gov.org

Enclosures

cc: Sumedh Bahl, Community Services Area Administrator
Kristen D. Larcom, Senior Asst. City Attorney



RALPH WELTON
CHIEF DEVELOPMENT OFFICIAL
CITY OF ANN ARBOR, MICHIGAN
Community Services Area
Planning & Development Services Unit
301 East Huron, P.O. Box 8647,
Ann Arbor, Michigan 48107-8647
Phone: (734) 794-6261
Fax: (734) 994-8460
rwelton@a2gov.org

**DANGEROUS BUILDING
ORDER TO SHOW CAUSE ON APRIL 10, 2014**

March 5, 2014

BY CERTIFIED MAIL, FIRST CLASS MAIL, & POSTING

First Miller Limited Partnership
c/o McKinley, Jeffrey Holman
320 N. Main Street
Ann Arbor, MI 48104

Re: 410 Miller Avenue, Ann Arbor, Michigan
Parcel Identification Number ("PIN"): 09-09-29-221-035

Dear First Miller Limited Partnership and Mr. Holman:

A Dangerous Building Notice and Order, a copy of which is enclosed and made part of this Order to Show Cause, was served on you on the date indicated informing you that the building that you own and/or have an interest in at the above-referenced address is a dangerous building, as defined in Section 8:382 of the Ann Arbor City Code. Your building was deemed dangerous pursuant to the provisions listed in the enclosed Notice and Order due to the conditions listed therein.

Inspection reveals that you have not undertaken the work necessary to demolish the building or to otherwise make it safe.

Therefore, this is your notice that a public hearing, which you and/or your attorney are ordered to attend, will be conducted by the Ann Arbor Building Board of Appeals on April 10, 2014, at 1:30 p.m. on the 2nd floor City Council Chambers in the Ann Arbor

City Hall. At the hearing you will have an opportunity to show cause why you should not be required to demolish or otherwise make safe the building at the above-referenced address, which is more specifically described as follows:

A PRT OF NE 1/4 OF NW 1/4 OF SEC 29, T2S, R6E, DESCR AS ALL THAT PRT NORTH OF MILLER AVE AND SOUTH OF FELCH ST, LYING E OF THE ANN ARBOR R.R. ROW (50FT WIDE) AND W OF A LINE DESCRIBED AS BEING PARALLEL WITH AND 25 FT DISTANT FROM THE E ROW LINE OF SAID R.R. ROW, MORE PARTICULARLY DESCRIBED AS A LINE BEG AT A PNT 50 FT E OF THE CENTERLINE OF THE R.R. ROW AND THE NLINE OF MILLER AV, TH N 51 DEG 01' E 350.49 FT; TH N 19 DEG 56' E 646.62 FT TO THE POINT OF ENDING. CONTAINING 24930 SF +- OR .16 ACRES +- THIS DESRIPTION IS FOR PROPERTY TAXATION PURPOSES ONLY. Split on 03/02/2000 from 09-09-29-221-030;

The Building Board of Appeals will take your testimony and the testimony of any other interested persons. Please bring any evidence you wish to submit to the Board. A copy of this Dangerous Building Order to Show Cause is being filed with the Washtenaw County Register of Deeds.

The Ann Arbor City Hall is located at 301 East Huron, Ann Arbor Michigan.

If you have any questions please contact me by e-mail or phone.

Sincerely,



Ralph Welton, Building Official
City of Ann Arbor Construction Services
(734) 794-6261, rwelton@a2gov.org

Enclosures

cc: Sumedh Bahl, Community Services Area Administrator
Kristen D. Larcom, Senior Asst. City Attorney

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

Building Board of Appeals Show-Cause Hearing of April 10, 2014

Subject: 410 Miller, Ann Arbor, MI 48108 PIN#090929221035

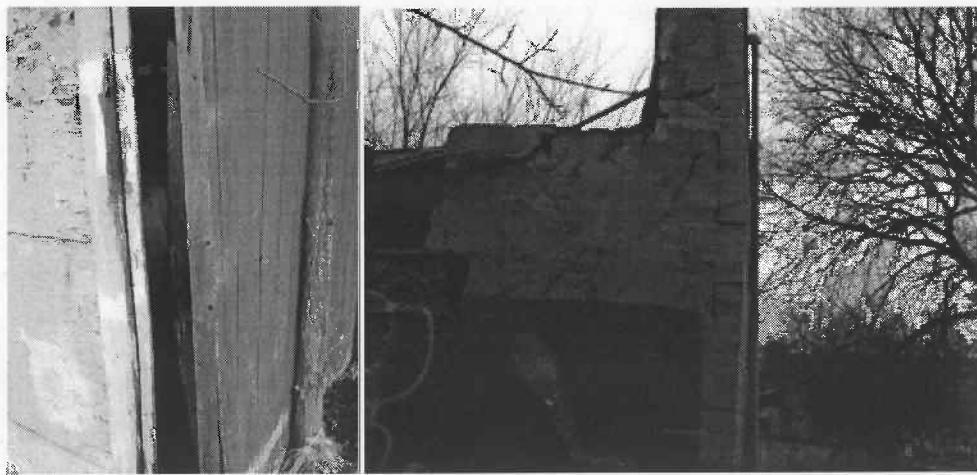
Legal Description of Property:

A PRT OF NE 1/4 OF NW 1/4 OF SEC 29, T2S, R6E, DESC AS ALL THAT PRT NORTH OF MILLER AVE AND SOUTH OF FELCH ST, LYING E OF THE ANN ARBOR R.R. ROW (50FT WIDE) AND W OF A LINE DESCRIBED AS BEING PARALLEL WITH AND 25 FT DISTANT FROM THE E ROW LINE OF SAID R.R. ROW, MORE PARTICULARLY DESCRIBED AS A LINE BEG AT A PNT 50 FT E OF THE CENTERLINE OF THE R.R. ROW AND THE NLINE OF MILLER AV, TH N 51 DEG 01' E 350.49 FT; TH N 19 DEG 56' E 646.62 FT TO THE POINT OF ENDING. CONTAINING 24930 SF +- OR .16 ACRES +- THIS DESRITION IS FOR PROPERTY TAXATION PURPOSES ONLY. Split on 03/02/2000 from 09-09-29-221-030.

Description and Discussion:

Vacant and dangerous. Owner is attempting to develop a long narrow paid parking area on site. Building is divided on the property line with an interior partition wall. Neither side is well maintained. Staff recommends demolition of the structure.



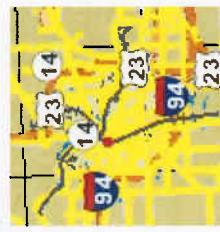


Ralph Welton, Building Official
City of Ann Arbor Construction Services

Notes:

- Street Lights
- Parcel Property
- Township Property

Scale is 1:1200
1" = 100 Feet



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This map complies with National Map Accuracy Standards for mapping at 1 inch = 100 Feet. The City of Ann Arbor and its mapping contractors assume no legal responsibility for the content and/or inappropriate use of information represented on this map.

2/3/2015





City of Ann Arbor

301 E. Huron St.
Ann Arbor, MI 48104
<http://a2gov.legistar.com/Calendar.aspx>

Meeting Agenda Building Board of Appeals

Thursday, April 10, 2014

1:30 PM

City Hall, 301 E. Huron Street, 2nd Floor, Council
Chambers

CALL TO ORDER

ROLL CALL

APPROVAL OF AGENDA

APPROVAL OF MINUTES

14-0598 Draft BBA Minutes for March 13, 2014

Attachments: BBA Draft Meeting Minutes March 2014.pdf

APPEALS, ACTIONS, AND SHOW CAUSE HEARINGS

14-0599 BBA14-0014 - Show Cause Hearing - 410 Miller

Attachments: Show Cause Hearing 410 Miller.pdf

Legal Description of Property:

A PRT OF NE 1/4 OF NW 1/4 OF SEC 29, T2S, R6E, DESCR AS ALL THAT PRT NORTH OF MILLER AVE AND SOUTH OF FELCH ST, LYING E OF THE ANN ARBOR R.R. ROW (50FT WIDE) AND W OF A LINE DESCRIBED AS BEING PARALLEL WITH AND 25 FT DISTANT FROM THE E ROW LINE OF SAID R.R. ROW, MORE PARTICULARLY DESCRIBED AS A LINE BEG AT A PNT 50 FT E OF THE CENTERLINE OF THE R.R. ROW AND THE NLINE OF MILLER AV, TH N 51 DEG 01' E 350.49 FT; TH N 19 DEG 56' E 646.62 FT TO THE POINT OF ENDING. CONTAINING 24930 SF +- OR .16 ACRES +- THIS DESCRIPTION IS FOR PROPERTY TAXATION PURPOSES ONLY. Split on 03/02/2000 from 09-09-29-221-030.

OLD BUSINESS

BBA13-0009 - 3680 Platt Road, Ann Arbor, MI 48108

Status of demolition.

BBA13-0005 - 1620 Waltham Road, Ann Arbor, MI 48103

Matter was tabled at the last meeting for owners to appear.

BBA13-0007 - 836 Brookwood Place, Ann Arbor, MI 48104

Matter was tabled at the last meeting for action by owner.

NEW BUSINESS

- 14-0607 BBA14-0015 - Variance Request for 114 West Summit, Ann Arbor, MI
48103

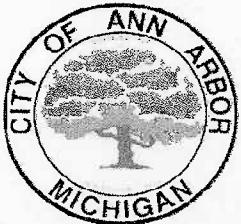
Attachments: Staff Report 114 West Summit.pdf

Legal Description of Property:

LOT 12 HISCOCK ESTATE SUB

REPORTS AND COMMUNICATIONS**PUBLIC COMMENTARY - GENERAL****ADJOURNMENT**

Accommodations, including sign language interpreters, may be arranged by contacting Planning and Development Services by telephone at 1-734-794-6000, x42663 or by written request addressed to Planning Development Services c/o Board of Appeals, 301 East Huron, Ann Arbor, MI 48104, at least two (2) business days in advance. Email: ahoward@a2gov.org



RALPH WELTON
CHIEF DEVELOPMENT OFFICIAL
CITY OF ANN ARBOR, MICHIGAN
Community Services Area
Planning & Development Services Unit
301 East Huron, P.O. Box 8647,
Ann Arbor, Michigan 48107-8647
Phone: (734) 794-6261
Fax: (734) 994-8460
rwelton@a2gov.org

**DANGEROUS BUILDING
ORDER TO SHOW CAUSE ON APRIL 10, 2014**

March 5, 2014

BY CERTIFIED MAIL, FIRST CLASS MAIL, & POSTING

Felch LLC
Peter Shefman
3140 Lakewood Dr
Ann Arbor, MI 48103

Re: 410 Miller Avenue, Ann Arbor, Michigan
Parcel Identification Number ("PIN"): 09-09-29-221-035

Dear Felch, LLC and Mr. Shefman:

A Dangerous Building Notice and Order, a copy of which is enclosed and made part of this Order to Show Cause, was served on you on the date indicated informing you that the building that you own and/or have an interest in at the above-referenced address is a dangerous building, as defined in Section 8:382 of the Ann Arbor City Code. Your building was deemed dangerous pursuant to the provisions listed in the enclosed Notice and Order due to the conditions listed therein.

Inspection reveals that you have not undertaken the work necessary to demolish the building or to otherwise make it safe.

Therefore, this is your notice that a public hearing, which you and/or your attorney are ordered to attend, will be conducted by the Ann Arbor Building Board of Appeals on April 10, 2014, at 1:30 p.m. on the 2nd floor City Council Chambers in the Ann Arbor

City Hall. At the hearing you will have an opportunity to show cause why you should not be required to demolish or otherwise make safe the building at the above-referenced address, which is more specifically described as follows:

A PRT OF NE 1/4 OF NW 1/4 OF SEC 29, T2S, R6E, DESCR AS ALL THAT PRT NORTH OF MILLER AVE AND SOUTH OF FELCH ST, LYING E OF THE ANN ARBOR R.R. ROW (50FT WIDE) AND W OF A LINE DESCRIBED AS BEING PARALLEL WITH AND 25 FT DISTANT FROM THE E ROW LINE OF SAID R.R. ROW, MORE PARTICULARLY DESCRIBED AS A LINE BEG AT A PNT 50 FT E OF THE CENTERLINE OF THE R.R. ROW AND THE NLINE OF MILLER AV, TH N 51 DEG 01' E 350.49 FT; TH N 19 DEG 56' E 646.62 FT TO THE POINT OF ENDING. CONTAINING 24930 SF +- OR .16 ACRES +- THIS DESRIPTION IS FOR PROPERTY TAXATION PURPOSES ONLY. Split on 03/02/2000 from 09-09-29-221-030;

The Building Board of Appeals will take your testimony and the testimony of any other interested persons. Please bring any evidence you wish to submit to the Board. A copy of this Dangerous Building Order to Show Cause is being filed with the Washtenaw County Register of Deeds.

The Ann Arbor City Hall is located at 301 East Huron, Ann Arbor Michigan.

If you have any questions please contact me by e-mail or phone.

Sincerely,



Ralph Welton, Building Official
City of Ann Arbor Construction Services
(734) 794-6261, rwelton@a2gov.org

Enclosures

cc: Sumedh Bahl, Community Services Area Administrator
Kristen D. Larcom, Senior Asst. City Attorney



RALPH WELTON
CHIEF DEVELOPMENT OFFICIAL
CITY OF ANN ARBOR, MICHIGAN
Community Services Area
Planning & Development Services Unit
301 East Huron, P.O. Box 8647,
Ann Arbor, Michigan 48107-8647
Phone: (734) 794-6261
Fax: (734) 994-8460
rwelton@a2gov.org

**DANGEROUS BUILDING
ORDER TO SHOW CAUSE ON APRIL 10, 2014**

March 5, 2014

BY CERTIFIED MAIL, FIRST CLASS MAIL, & POSTING

First Miller Limited Partnership
c/o McKinley, Jeffrey Holman
320 N. Main Street
Ann Arbor, MI 48104

Re: 410 Miller Avenue, Ann Arbor, Michigan
Parcel Identification Number ("PIN"): 09-09-29-221-035

Dear First Miller Limited Partnership and Mr. Holman:

A Dangerous Building Notice and Order, a copy of which is enclosed and made part of this Order to Show Cause, was served on you on the date indicated informing you that the building that you own and/or have an interest in at the above-referenced address is a dangerous building, as defined in Section 8:382 of the Ann Arbor City Code. Your building was deemed dangerous pursuant to the provisions listed in the enclosed Notice and Order due to the conditions listed therein.

Inspection reveals that you have not undertaken the work necessary to demolish the building or to otherwise make it safe.

Therefore, this is your notice that a public hearing, which you and/or your attorney are ordered to attend, will be conducted by the Ann Arbor Building Board of Appeals on April 10, 2014, at 1:30 p.m. on the 2nd floor City Council Chambers in the Ann Arbor

City Hall. At the hearing you will have an opportunity to show cause why you should not be required to demolish or otherwise make safe the building at the above-referenced address, which is more specifically described as follows:

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The Building Board of Appeals will take your testimony and the testimony of any other interested persons. Please bring any evidence you wish to submit to the Board. A copy of this Dangerous Building Order to Show Cause is being filed with the Washtenaw County Register of Deeds.

The Ann Arbor City Hall is located at 301 East Huron, Ann Arbor Michigan.

If you have any questions please contact me by e-mail or phone.

Sincerely,



Ralph Welton, Building Official
City of Ann Arbor Construction Services
(734) 794-6261, rwelton@a2gov.org

Enclosures

cc: Sumedh Bahl, Community Services Area Administrator
Kristen D. Larcom, Senior Asst. City Attorney

PLANNING AND DEVELOPMENT SERVICES STAFF REPORT

Building Board of Appeals Show-Cause Hearing of April 10, 2014

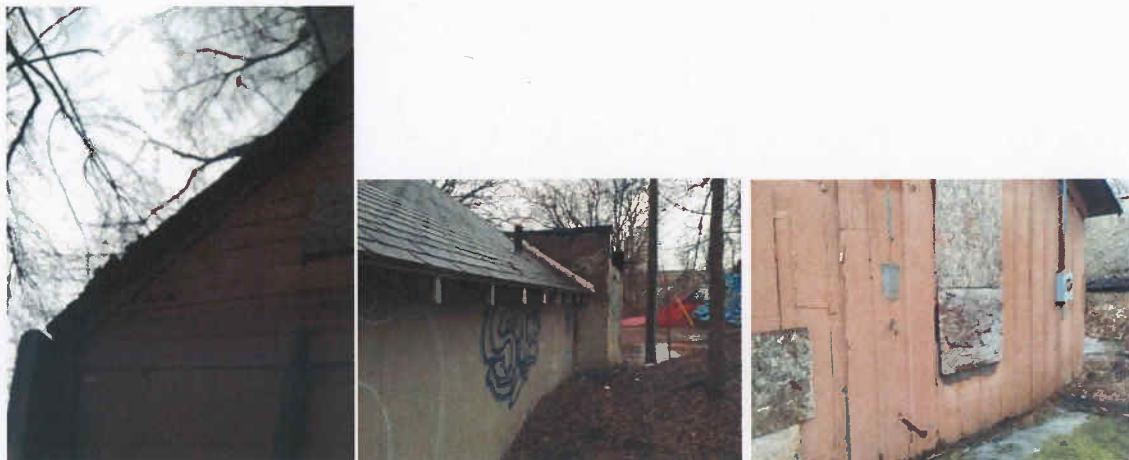
Subject: 410 Miller, Ann Arbor, MI 48108 PIN#090929221035

Legal Description of Property:

A PRT OF NE 1/4 OF NW 1/4 OF SEC 29, T2S, R6E, DESCR AS ALL THAT PRT NORTH OF MILLER AVE AND SOUTH OF FELCH ST, LYING E OF THE ANN ARBOR R.R. ROW (50FT WIDE) AND W OF A LINE DESCRIBED AS BEING PARALLEL WITH AND 25 FT DISTANT FROM THE E ROW LINE OF SAID R.R. ROW, MORE PARTICULARLY DESCRIBED AS A LINE BEG AT A PNT 50 FT E OF THE CENTERLINE OF THE R.R. ROW AND THE NLINE OF MILLER AV, TH N 51 DEG 01' E 350.49 FT; TH N 19 DEG 56' E 646.62 FT TO THE POINT OF ENDING. CONTAINING 24930 SF +- OR .16 ACRES +- THIS DESRIPITION IS FOR PROPERTY TAXATION PURPOSES ONLY. Split on 03/02/2000 from 09-09-29-221-030.

Description and Discussion:

Vacant and dangerous. Owner is attempting to develop a long narrow paid parking area on site. Building is divided on the property line with an interior partition wall. Neither side is well maintained. Staff recommends demolition of the structure.





Ralph Welton, Building Official
City of Ann Arbor Construction Services



City of Ann Arbor

301 E. Huron St.
Ann Arbor, MI 48104
[http://a2gov.legistar.com/C
alendar.aspx](http://a2gov.legistar.com/Calendar.aspx)

Meeting Minutes - Final Building Board of Appeals

Thursday, April 10, 2014

1:30 PM, City Hall, 301 E. Huron Street, 2nd Floor, Council Chambers

CALL TO ORDER

ROLL CALL

P. Darling serving as Chair for this meeting.

Staff Present:

6 - R. Welton, K. Larcom, L. Turner-Tolbert, R. Williams, T. Root, A. Howard

Present: 4 - Samuel Callan, Paul Darling, Robert Hart, and Chair Kenneth J. Winters

APPROVAL OF AGENDA

Approved as presented

APPROVAL OF MINUTES

14-0598 Building Board of Appeals Meeting Minutes for March 13, 2014

Attachments: BBA Final Meeting Minutes for 3-13-14.pdf

Approved

APPEALS, ACTIONS, AND SHOW CAUSE HEARINGS

14-0599 BBA14-0014 - Show Cause Hearing - 410 Miller

Attachments: Show Cause Hearing 410 Miller.pdf

R. Welton gave a report on the structure and explained that the property is owned by two separate owners as property line is split down the middle. Staff recommends at least partial demolition.

Lisa York, a representative from McKinley Associates, stated that McKinley is fully supportive of partial or total demolition.

Peter Sheffman, the manager of the LLC that owns the property, gave history on the property. Discussion followed regarding feasibility of rehabing only one side of the structure.

A motion was made by Hart and seconded by Callum, that in the case of the Show Cause hearing for BBA14-0014, concerning the Building at 410 Miller, Ann Arbor, MI, the Building Board of Appeals finds that the building is a

dangerous building as defined by Chapter 101 of the Ann Arbor City Ordinance, and the owners, Felch LLC and First Miller shall cause the building to be demolished or otherwise be made safe. The owners shall commence the necessary work by contacting the building official by April 24, 2014, regarding requirements or obtaining necessary permits and shall complete the work within 45 days after the April 24, 2014 date. If the owners fail to comply with this order the City shall cause the building to be demolished. The order is based on the following findings: that the building is vacant and accessible from outside non-habitants, that there is a fallen masonry wall, there is no roof on the front of the block building on Miller, the building is not well secured, a section of the roof is missing on the rear framed portion of the building and that the structure has been generally compromised.

On a voice vote, the Chair declared the motion carried unanimously.

OLD BUSINESS

BBA13-0009 - 3680 Platt Road, Ann Arbor, MI 48108

R. Welton stated that bids are being obtained for demolition.

BBA13-0005 - 1620 Waltham Road, Ann Arbor, MI 48103

Elizabeth Messing spoke on behalf of US Bank. Staff states that building is no longer dangerous and is secure.

A motion was made by Hart, and seconded by Callum, that in the case of the Show Cause hearing for BBA13-0005 concerning the building at 1620 Waltham Road, Ann Arbor, MI, the Building Board of Appeals finds that the building at this time is not a dangerous building defined by Chapter 101 of the Ann Arbor City Ordinance, and closes the proceedings noting that the building is secure and in a safe condition and awaiting further disposition after foreclosure proceedings.

On a voice vote, the Chair declared the motion carried unanimously.

BBA13-0007 - 836 Brookwood Place, Ann Arbor, MI 48104

R. Welton reported that nothing has been heard from the owner. A bank has stepped forward to claim full ownership of the property. No action required from the Board at this time.

NEW BUSINESS

14-0607

BBA14-0015 - Variance Request for 114 West Summit, Ann Arbor, MI 48103

Attachments: Staff Report 114 West Summit.pdf, 114 W Summit Report for BBA.pdf

T. Root gave a report on the building requirements necessary to bring it to code.

A motion was made by Hart, and seconded by Callum, that in the case of the variance request for BBA14-0015 concerning the building at 114 West Summit,

Ann Arbor, MI, that the matter be tabled until Housing can go back and reinspect the items in question to establish the habitability, the stair tread depth, the window egress size, the window size and ventilation and heat to the room are code compliant.

On a voice vote, the Chair declared the motion carried unanimously.

REPORTS AND COMMUNICATIONS

None

PUBLIC COMMENTARY - GENERAL

ADJOURNMENT

Accommodations, including sign language interpreters, may be arranged by contacting Planning and Development Services by telephone at 1-734-794-6000, x42663 or by written request addressed to Planning Development Services c/o Board of Appeals, 301 East Huron, Ann Arbor, MI 48104, at least two (2) business days in advance. Email: ahoward@a2gov.org

CITY OF ANNARBOR BUILDING BOARD OF APPEALS	DECISION AND ORDER TO FELCH, LLC AND FIRST MILLER LIMITED PARTNERSHIP REGARDING DANGEROUS BUILDING	SHOW CAUSE NO: 14-0599
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TO FELCH, LLC AND FIRST MILLER LIMITED PARTNERSHIP:

THIS ORDER IS ISSUED IN THE MATTER OF THE SHOW CAUSE HEARING HELD ON APRIL 10, 2014, CONCERNING THE BUILDING, WHICH IS ON THE PROPERTY AT 410 MILLER AVENUE, ANN ARBOR, MICHIGAN, OWNED BY FELCH, LLC, AND ON A PORTION OF THE ADJACENT PROPERTY, OWNED BY FIRST MILLER LIMITED PARTNERSHIP, TO DETERMINE WHY THE BUILDING SHOULD NOT BE DEMOLISHED. A COPY OF THE LEGAL DESCRIPTION IS ATTACHED TO THIS DECISION AND ORDER.

Hearing Officers present at the Show Cause Hearing were Building Board of Appeals members Samuel Callan, Paul Darling, Robert Hart, Chair Kenneth J. Winters.

Presenting evidence and testimony on behalf of City staff was Ralph Welton, Building Official.

Peter Shefman was present at the hearing to speak on behalf of Felch, LLC, and Lisa York of McKinley, Inc. was present to speak on behalf of First Miller Limited Partnership.

Having held the Show Cause Hearing in this matter, based on the evidence and testimony presented at the hearing, the Building Board of Appeals finds that the Building is a dangerous building as defined in Chapter 101 of the Ann Arbor Code of Ordinances and orders it demolished, pursuant to the following motion and findings adopted by the Building Board of Appeals at the hearing:

Moved by R. Hart, That in the matter of the Show Cause hearing for 14-0599, concerning the building at 410 Miller Avenue, Ann Arbor, Michigan, owned by Felch, LLC, and on a portion of the adjacent property owned by First Miller Limited Partnership, the Building Board of Appeals finds that the Building is a dangerous building as defined in Chapter 101 of the Ann Arbor Code of Ordinances and that the owner(s) shall cause the building to be demolished or to be otherwise made safe. The owner(s) shall commence the necessary work by contacting the Building Official by April 24, 2014, regarding the requirements to obtain the necessary permits. The

owner(s) shall further pull such permits and shall complete the work by the 45th calendar day after the date of this decision and order. If the owner(s) does(do) not comply with this Order then the City will cause the building to be demolished.

THIS ORDER IS BASED ON THE FOLLOWING FINDINGS:

The building is vacant and accessible to outside non-inhabitants.
The building has a bowing masonry wall.
There is no roof on the front of the block building on Miller.
The building is not well secured.
There is a section of the roof missing on the rear frame portion of the building.
The general structure of the building has been compromised.

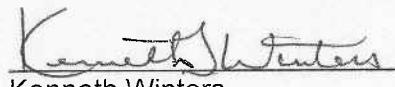
The motion was seconded by S. Callan.

On a Voice Vote – MOTION PASSED – UNANIMOUS.

FOR THIS REASON, THE BUILDING BOARD OF APPEALS ORDERS THAT
you (Felch, LLC and First Miller Limited Partnership) shall **DEMOLISH OR**
OTHERWISE MAKE SAFE the Building located on the property at 410 Miller, Ann Arbor, Michigan, and partially on the adjacent property.

THE BUILDING BOARD OF APPEALS FURTHER ORDERS THAT the work necessary to satisfy the requirements of this Order be **commenced by April 24, 2014,** and be **completed by May 27, 2014** and if you fail to comply with this Order, the City will cause the necessary work to be completed.

14 APRIL 2014
Date


Kenneth Winters
Chairperson, Building Board of Appeals

You have limited rights to appeal the decision and order of the building board of appeals. See Ann Arbor Code Sections 8:388, 8:387(6).



April 22, 2014

Ralph Welton, Chief Development Official
City of Ann Arbor, Michigan
301 East Huron, P.O. Box 8647
Ann Arbor, MI 48107-8647

RE: Show Cause 14-0599 for 410 Miller Avenue,
Ann Arbor, MI

Dear Mr. Welton,

McKinley, Inc., on behalf of First Miller LP is in receipt of the Decision and Order regarding the dangerous building. First Miller LP is in full agreement with the findings of the Board. Therefore, First Miller LP would like to have the building demolished.

First Miller LP is willing to allow the adjacent property owner, Felch, LLC, to demolish a portion or all of the structure so long as First Miller LP and McKinley, Inc. is not held liable in any way for any part of the demolition, clean up, structural ramifications caused from partial demolition, environmental ramifications caused by Felch, LLC as a result of this action and/or the aforementioned actions.

Please let me know if you have any questions or need further information.
Sincerely,

Lisa York

Commercial Property Manager
Commercial Client Services

McKinley, Inc. | Live.Work.Shop.Play.

320 N. Main Street | Ann Arbor, MI 48104
Email: lisa.york@mckinley.com
Phone (734) 769-8520 ext. 182
Cell: (734) 660-9903
cc: Ann Arbor Building Board of Appeals

◆◆ SCOTT E. MUNZEL, P.C.
ATTORNEY AT LAW

603 W. HURON STREET
ANN ARBOR, MI 48103
P: 734-994-6610 Fx: 734-769-9055
E: SEM@MUNZELLAW.COM

April 21, 2014

VIA HAND DELIVERY

Ms. Jackie Beaudry
City Clerk
City of Ann Arbor
100 N. Fifth Avenue
P.O. Box 8647
Ann Arbor, MI 48107-8647

Re: Notice of Appeal- Building Board of Appeals Order 14-0599/410 Miller Avenue

Dear Ms. Beaudry:

I represent Felch LLC, owner of 410 Miller Avenue. On April 14, 2014, the Building Board of Appeals held a hearing and issued an Order related to the property located at 410 Miller Avenue, requiring certain repairs. The owner has the right to appeal both to City Council as well as to Circuit Court, pursuant to Chapter 101, Section 8:387(6) and 8:388 of the City Code, and wishes to preserve all rights by filing an appeal with the City Council of this Order. I will note that the situation is somewhat complicated by the fact that the actual building straddles the property line and thus is constructed on property owned by two different owners, Felch LLC and First Miller Limited Partnership.

Pursuant to Chapter 101, Section 8:387(6), this letter is a notice of appeal, and is being delivered to your office. A copy is also being delivered to the City Attorneys' Office, to the attention of Kristen Larcom.

Please contact me if you have any questions, and thank you for your cooperation in this matter.

Sincerely,


Scott E. Munzel

Cc: Kristen Larcom, Ann Arbor City Attorneys' Office

Permit Details

Permit Number PB060942

As of 6/8/2015

Type / Subtype	Status	Description	Applied
BUILDING / RES. ROOF	EXPIRED	Repair/roof approx. 200 sq ft (Area A) Repair/roof approx.	5/19/2006 MQINZ
Site address	City State, Zip	Parcel No	Approved
410 MILLER AV	ANN ARBOR, MI 48103	09-09-29-221-035	5/19/2006 MQINZ
Job Valuation	Building Sq Ft	Zoning	Issued
\$ 1,700.00	0	M1	Finalized
Lot Sq Ft	No. Stories	Construction Type	Expired
0.00	0	0	11/15/2006 CRW
Notes			
Repair/roof approx. 200 sq ft (Area A)			
Repair/roof approx. 110 sq ft (Area B)			
<u>Specifications</u>			
<u>Additional Sites</u>			
APN	Address		
No Additional Sites			
<u>Contacts</u>			
Contact Type Name	Address	City, State, and Zip	Phone
APPLICANT Blutt LLC	3140 Lakewood	Ann Arbor MI 48103	(734) 651-5050
CONTRACTOR Blutt LLC	3140 Lakewood	Ann Arbor MI 48103	(734) 651-5050

LICENSEE
Shefman Peter

Ann Arbor MI 48103
(734) 651-5050

OWNER
FELCH L.L.C

3140 Lakewood
Ann Arbor MI 48103

Fees

Fees		Description of Fee	Date Paid	Paid By	Pay Method	Account
Quantity	Amount					
1	Master Plan Surcharge		5/19/2006	\$5		Standard Item
2	Const \$1K-\$10K		5/19/2006	\$39		Construction

Parent Project

Parent Project No.	Date Applied	Date Approved	Date Closed
Type	Subtype	Status	Planner

Reviews

Type of Review	Date Sent	Date Due	Date Received
Contact	Status	Remarks	
Plan Review			5/19/2006

NOTES: A. Savoni

Permit Details

Permit Number BLDG14-0882

As of 6/8/2015

Type / Subtype BUILDING / COMM ADD/ALT	Status ISSUED	Description Repair to "White Box"	Applied 5/29/2014	NC
Site address 410 MILLER AVE	City State, Zip Ann Arbor, MI 48103	Parcel No 09-09-29-221-035	Approved 4/20/2015	CSBO
Job Valuation \$ 5,000.00	Site Lot No.	Zoning MI	Issued 6/8/2015	JAI
Lot Sq Ft 0.00	Building Sq Ft 0	No. Stories 0	Construction Type Subdivision	Finalized 12/5/2015
Lot Sq Ft 0.00	Building Sq Ft 0	No. Units 0	No. Buildings 0	Expired JAI

Notes

(6/2/2014 11:46 AM JH)

According to the City Assessor the existing structure has no value. As such, any improvements would exceed 50% of the market value of the structure and kick in the flood resistant construction standards per the Michigan Building Code. The structure must be elevated or floodproofed to 1 foot above the Base Flood Elevation (BFE = 793.7 ft). The building plans must be revised to include all necessary work to accomplish the required elevation or floodproofing. Note: the existing grade at the building is roughly 792, so the elevation or floodproofing would need to extend about 3 feet above grade.

The plans must be accompanied by an completed Elevation Certificate.

If floodproofing is chosen, the plans must certified by a professional engineer or architect, and a Floodproofing Certificate submitted with the plans.

For floodproofing guidance see FEMA TECHNICAL BULLETIN 3-93 - <https://www.fema.gov/media-library/assets/documents/3473>

Additional Sites

APN	Address
No Additional Sites	

Contacts

Contact Type OWNER	Name	Address	City, State, and Zip	Phone	Fax	Email
FELCH L.L.C.		3140 LAKEWOOD DR	Ann Arbor MI 48103			
CONTRACTOR	Shefman Peter	3140 Lakewood	Ann Arbor MI 48103	(734) 545-8800		

LICENSEE Shefman Peter	3140 Lakewood	Ann Arbor MI 48103	(734) 545-8800
APPLICANT Shefman Peter	3140 Lakewood	Ann Arbor MI 48103	(734) 545-8800
ARCHITECT Focus Design	3300 Berry Road	Ypsilanti MI 48198	(734) 276-2180
			N/A

Fees			
Description of Fee Quantity	Date Paid Amount	Paid By	Pay Method Account
BUILDING PERMIT FEES	5/29/2014 \$60	LOGOS	0026-033-3330-0000-4311
BUILDING PERMIT FEES	\$170		0026-033-3330-0000-4311

Parent Project			
Parent Project No. Type	Date Applied Subtype	Date Approved Status	Date Closed Planner

Reviews			
Type of Review Contact	Date Sent Status	Date Due Remarks	Date Received
REVISION Hancock Jerry	8/26/2014 COMMENTS ISSUED	9/16/2014 Floodplain Review #2 attached	9/9/2014
ZONING Cheng Chris	5/29/2014 APPROVED	6/19/2014	6/2/2014
GRADING SWANTEK JOHN	5/29/2014 NOT APPLICABLE	6/19/2014	6/2/2014
HISTORIC REVIEW Thacher Jill	5/29/2014 NOT APPLICABLE	6/19/2014	6/2/2014
FLOOD PLAIN Hancock Jerry	5/29/2014 INCOMPLETE	6/19/2014 Elevate or Floodproof see note	6/2/2014
PLAN REVIEW STRONG CRAIG	5/29/2014 DENIED	6/19/2014 Contact J. Hancock for HOLD	4/20/2015



CERTIFICATE OF COMPLIANCE AND OCCUPANCY CITY OF ANN ARBOR

HOUSING SERVICES: 301 E. Huron St. Ann Arbor, MI 48104 Phone: (734) 794-6264

RENTAL LICENSE NUMBER: **CR3098** ISSUE DATE:

EXPIRATION DATE:

OWNER ADDRESS:

FELCH L.L.C.
3140 LAKEWOOD DR
ANN ARBOR, MI 48103

CERTIFIED ADDRESS:

FELCH L.L.C.
410 MILLER AVE
Ann Arbor, MI 48103

THIS IS TO CERTIFY THAT THE BUILDING KNOWN AS: **410 MILLER AVE** SUBSTANTIALLY COMPLIES WITH ALL THE REQUIREMENTS OF THE ANN ARBOR CITY CODE AND MAY BE OCCUPIED AND USED FOR THE FOLLOWING PURPOSE:

DWELLING TYPE: **ZONING: M1 OWNER OCCUPIED: NO**

NUMBER OF BUILDINGS: **0.00 NUMBER OF FLOORS: 0.00**

NUMBER OF UNITS: **0.00 BILLABLE UNITS: 0.00**

STIPULATIONS:

FURNACE CLEAN/BOIL: **FIRE ALARM: CHIMNEY CLEANING:**

SMALL GROUP KITCHEN CERTI:

UNIT 1: EFFICIENCY	UNIT 1 UNITS: 0.00	UNIT 1 MAX OCC: 0.00
UNIT 2: 1 BEDROOM	UNIT 2 UNITS: 0.00	UNIT 2 MAX OCC: 0.00
UNIT 3: 2 BEDROOM	UNIT 3 UNITS: 0.00	UNIT 3 MAX OCC: 0.00
UNIT 4: 3 BEDROOM	UNIT 4 UNITS: 0.00	UNIT 4 MAX OCC: 0.00
UNIT 5: 4 BEDROOM	UNIT 5 UNITS: 0.00	UNIT 5 MAX OCC: 0.00
UNIT 6: 5 BEDROOM	UNIT 6 UNITS: 0.00	UNIT 6 MAX OCC: 0.00
UNIT 7: 6 BEDROOM	UNIT 7 UNITS: 0.00	UNIT 7 MAX OCC: 0.00
UNIT 8: GROUP QUARTERS	UNIT 8 UNITS:	UNIT 8 MAX OCC:

AUTHORIZED BY:

Lisha Turner-Tolbert Craig Strong

Rental Housing Manager

Chief Development Official

Thank you for your co-operation during the inspection of this property under the Ann Arbor Housing Code.

Please notify us at 734-794-6264 if you change your mailing address or the property is sold.

NOT TRANSFERABLE TO ANY OTHER PROPERTY