



**DRAFT MINUTES OF THE REGULAR SESSION OF
THE HOUSING BOARD OF APPEALS OF THE CITY OF ANN ARBOR, MI
100 NORTH FIFTH AVENUE - SECOND FLOOR – CITY COUNCIL CHAMBERS
March 2, 2010**

The meeting was called to order at 1:37 p.m. by Chair Lelahni Wessinger

ROLL CALL

Members Present: (4) C. Christiansen, K. Busch, L. Wessinger,
and A. Stuart (arr. 1:43 p.m.),

Members Absent: (4) D. Fleece, S. Smith, M. Goldstein & R. Farrakan

Staff Present: (4) L. Turner- Tolbert, N. Sylvester and
B. Acquaviva

A. APPROVAL OF AGENDA –

Moved by L. Wessinger, Seconded by C. Christiansen, “**To Approve the Agenda as Presented**” - **Approved as Presented without Objection.**

B. APPROVAL OF MINUTES

B-1 Draft Minutes of the September 1, 2009 Regular Session

Moved by C. Christiansen, Seconded by K. Busch, “**To approve the September 1, 2009 Draft minutes as presented.**”

On a Voice Vote – MOTION PASSED – UNANIMOUS

C. APPEALS & ACTION

C-1 3200 Eisenhower Parkway – HBA10-001

The owner, Eisenhower Center, requests the following variances from the requirements of **Chapter 105**, the Ann Arbor Housing Code:

Section 8:503, which requires the installation of privacy locks on entry doors.

Petitioner Presentation

Petitioner – Stated that over the years they’ve had issues with the chair locks being on the doors as it decreases access to their clients and in acute and urgent situations (i.e., urgent medical conditions and/or significant behavioral conditions). The last time they had a housing inspection cycle, the inspector suggested that they submit for a variance. There are approximately 65 residents in all.

Staff Report

The Eisenhower Center is a traumatic brain injury facility that provides neuro-rehabilitation services. The Center leases a number of apartments within the Homestead Commons and

53 Mulberry Row apartment complexes to provide residences for their clients. The petitioner,
54 Christine Myran, is the agent for the Eisenhower Center.
55

56 Section 8:503 of the Ann Arbor Housing Code requires the installation of privacy locks on entry
57 doors. These locks must only be capable of activation or release from within the dwelling unit.
58 The petitioner is requesting a variance from the requirements of the Code to allow the removal of
59 the privacy locks on the entry doors of the apartments that her organization leases.
60

61 In her petition, Ms. Myran states that the Center's clients require supervision by staff personnel in
62 order to ensure their overall safety. She contends that the privacy locks on the entry doors,
63 when engaged, can delay entry by staff during emergent situations and potentially harm the
64 safety and welfare of their clients. In addition, excessive knocking and loud voices by staff as
65 they attempt to gain access can be disturbing to other residents.
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67 The Eisenhower Center has secured permission to remove the privacy locks from the managers
68 of the two apartment complexes. Written authorization has been included as part of the variance
69 request.
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71 N. Sylvester (Housing Inspector)– Stated that this is the kind of conflict that can often happen
72 between what we view as a privacy issue as opposed to a life safety issue. What the applicant
73 describes is the life safety issue and sometimes it is urgent that they enter an apartment, and
74 they wish to do so without any obstruction. I want to mention that this is not unprecedented. In
75 1994, the HBA did grant a variance for the Sandalwood Apartments off of Nixon Road. This has
76 a number of seniors and it was a problem. That variance was in 1994. Staff does recommend
77 the variance, contingent on the fact that if these apartments become owned by another entity, the
78 new owner and residents would be required to have the privacy locks installed.
79

80 **This company must keep a list to show who is renting what so that any requirements for**
81 **the Housing Code can be complied with. (The agent/owner stated they would keep a**
82 **binder with that information available).**
83

84 L. Wessinger – Asked for further comments from the Board.
85

86 K. Busch – I think this is the purpose of having variances and the purpose of this board.
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88 **Questions of Staff by the Board**

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90 (Fire Investigator) – Not Present
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92 **MOTION**

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94 Moved by C. Christiansen, Seconded by A. Stuart, “**Because the variance does not violate the**
95 **intent of the Ann Arbor Housing Code (Chapter 105), I move to grant a variance from the**
96 **requirements of Chapter 105, Section 8:503 to allow the removal of the privacy locks on**
97 **the entry doors of the apartments leased by Eisenhower Center at Homestead Commons**
98 **and Mulberry Row. This variance is granted with the contingency that privacy locks be**
99 **reinstalled on the entry doors of any apartments that are no longer leased by Eisenhower**
100 **Center.**
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102 **On a Voice Vote – MOTION TO APPROVE – PASSED - UNANIMOUS**
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D. OLD BUSINESS

D-1 1928 Geddes Road – 2008-H-002

STAFF UPDATE:

B. Acquaviva – Stated that she had contacted the petitioner. I had turned this over to Jeff Ellis as I felt that due to the petitioners opinion of this matter, that I was meeting resistance and that Mr. Ellis would be more qualified to handle this. I've provided you with the emails that were a part of that conversation. This has now entered a new housing cycle completely, and we will give you a full report on this soon. A re-inspection will occur on April 1 and we will report on this again to you soon. Extensive discussion from the Board regarding this issue.

L. Wessinger – Stated that for something this simple, this is wrong to draw this thing out!

K. Busch – I'm not certain how we got to this point. They've played the waiting game and it's benefitted them.

B. Acquaviva – What has happened is that they've gone beyond their inspection cycle by waiting, and only had to pay \$105.00 for another inspection as opposed to coming back here every 120 days, paying \$500 for the variance and working out a decent solution for the future of the windows. Jeff Ellis was supposed to post the house in September.

K. Busch – This is why I wanted to deny their variance request, do the simple fix on the windows, then take as long as you need to raise the funds to replace the windows or whatever they wanted to do.

L. Wessinger – Stated that Kevin deserved kudos on this issue, as he was right and they are right where he stated that they would be. This issue is a total mess, but Lisha is going to handle this for us and straighten it out.

L. Turner-Tolbert – I was just about to call the inspector and see what the update was. (Note: Ms. Turner-Tolbert did report back to the Board that this issues had been resolved and the windows were scraped, painted, etc.)

Discussion regarding the open meetings act and how business should be conducted.

NEW BUSINESS – The Board welcomed Lisha Turner-Tolbert to Housing/Building.

REPORTS AND COMMUNICATIONS – None

AUDIENCE PARTICIPATION – None.

Moved by A. Stuart. Seconded by K. Busch, "To adjourn the meeting"

On a VOICE VOTE – MOTION TO AJOURN – PASSED - UNANIMOUS

Meeting ended at 1:58 p.m. – Submitted by Brenda Acquaviva
Administrative Support Specialist V