



**APPROVED 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  
December 2, 2008**

The meeting was called to order at 1:35 p.m. by Chair Sandi Smith

I – **INTRODUCTION** – Lelahni Wessinger welcomed the new Chair and City Council representative, Ms. Sandi Smith as a member of the HBA.

**ROLL CALL**

Members Present: (7) S. Smith, C. Christiansen, D. Fleece, A. Stuart, K. Busch, L. Wessinger and M. Goldstein

Members Absent: (0)

Staff Present: (3) R. Fulton, R. Ferrakan and B. Acquaviva

**A. APPROVAL OF AGENDA –**

Moved by Goldstein, Seconded by A. Stuart, “**to Approve the Agenda as Presented**” - **Approved as Presented without Objection.**

**B, APPROVAL OF MINUTES**

**B-1** Draft Minutes of the August 5, 2008 Regular Session

Moved by C. Christiansen, Seconded by L. Wessinger, “**to approve the August 5, 2008 Draft minutes as presented.**”

**On a Voice Vote – MOTION PASSED – UNANIMOUS**

**C. APPEALS & ACTION**

**C-1 1928 Geddes Road – HBA08-002**

The petitioner, Alan Lutes, agent for this property, requests the following variances from the requirements of Chapter 105, the Ann Arbor Housing Code:

1. Section 8:514, which allows for the petitioner to request a time extension to make necessary corrections for code violations.
2. Section 8:509(2), which requires all openings to be weathertight, in good repairs and sound working condition.

**Background & Staff Reports**

R. Fulton - This is a fraternity house and has been inspected as a rental property several times.

When the inspection started back in 2007, the inspector stated some window repairs that had to be made to comply with the Housing Code. My understanding is that the Fraternity Alumni wanted to have a campaign to raise money for ALL of the windows to be replaced, which we think

54 is an excellent idea. This is a large project, trying to replace 300 windows at a price of \$287,000.  
55 Per their report, they have \$160,000.00 pledged and will be collected in years 2009, 10 and 11.  
56

57 We toured the site and went into some of the rooms that had violations on the windows. *Except*  
58 *for the windows in question*, all windows were closed and locked. There are still violations to the  
59 code, and that is what we're dealing with. They're asking for a Time Extension to raise the funds  
60 to do the job. (30 months – to April 2012). The second request is for an additional Time  
61 Extension to do repairs on those windows. (See below).  
62

63 (Staff Recommended these extensions, but suggests that the Board add some type of stipulation  
64 that the petitioner is to come back to the board and give them an update on how the fund-raising  
65 campaign is going.)  
66

67 **Request #1:** Due to the prohibitive cost of replacing of all the non-compliant windows (est.  
68 \$287,000), the petitioner is asking for a time extension to secure funding for the project. (30  
69 Months from now which would take us to April 2012). (Staff Recommendation is to grant the  
70 extension. R. Fulton stated that there should also be a stipulation set forth as a part of the time  
71 extension  
72

73 **Request #2:** The petitioner is requesting that maintenance of the windows be deferred until the  
74 windows are replaced.  
75

76 R. Farrakand (Fire Marshal) – The Fire Department concurs with the Building Department. We  
77 don't have any code issues.  
78

79 *(The Board discussed the matter at length).*  
80

81 **Recommendation:**  
82

83 **Request #1:** Staff recommends the following motion:  
84

85 *Moved to approve the variance request for a time extension regarding the replacement of all the*  
86 *windows in this building within 30 months. Building permit required.*  
87

88 **Request #2:** Staff recommends the following motion:  
89

90 *Moved to deny the variance request from the requirements of section 8:509 to defer all*  
91 *maintenance on the windows in this building. Windows that are inadequate in terms of basic*  
92 *weatherization and security should be repaired immediately.*  
93

94 **Petitioner Presentation:**  
95

96 Mr. Allen Lutes, contractor, and petitioner from Alpha Construction was present to speak on  
97 behalf of the appeal. He stated that the staff report's timelines are different as a Code  
98 Enforcement issue had been inspected in the interim, and he states that because of that, the  
99 reinspection schedule had been changed – and was expiring too soon – which also affects the  
100 amount of time that they need to request regarding this variance.  
101

102 **Questions of Staff by the Board** – None.  
103

104 K. Bush – Is there a reason why the window replacement is not being done in a ‘stepped’  
105 replacement method? (A. Lutes – If we did that as the money came in – for instance, one side of  
106 the building per year, that would be something we would consider, but would not fully take care of  
107 the deferred maintenance on the other three sides of the building.)  
108

109 A. Stuart (To Staff) – (Asked about the deferred maintenance. Staff states the Board might have  
110 to put a stipulation on this and to make certain that maintenance is done on a regular schedule.)  
111

112 **Discussion by the Board**  
113

114 A. Lutes – We had asked for the 30 months so that by the time the inspector came through for the  
115 next regular inspection and the fact that our campaign for funds is spread out over three years,  
116 this is where that figure of 20 months originates. We believe that we can meet the requirements if  
117 given this time extension.  
118

119 S. Smith (To Staff) – Do you feel that the work that has been done currently qualifies this as a  
120 compliant inspection?  
121

122 R. Fulton – I couldn’t sign off, because there should be handles on the windows so that you’re not  
123 trying to struggle to close them. For general information, the current inspection cycle that they’re  
124 in – if I were to certify this today, this cycle would expire in October of 2009, so they would start  
125 all over on a new inspection cycle at that time, and that cycle expires in 2012. If you grant them  
126 30 months from today, that means that in June of 2011, they would have to have it all completed.  
127

128 A. Lutes – Stated that these dates are incorrect. The building went through a full inspection cycle  
129 in 2006 related to a mold issue on site. The house had been vacated due to this mold and the  
130 answer was to do a partial inspection then, but the dates got reset due to that partial inspection.  
131 Mr. Lutes stated that this should go forward from the October date.  
132

133 S. Smith – If we were to grant 120 days from today (and could show progress that something was  
134 being done in the interim?) (Mr. Lutes stated that it would be April or May before they could  
135 report back on where they are with fundraising.)  
136

137 L. Wessinger – I have a problem with waiting a full cycle to get anything done. It would be  
138 incredibly generous of the city to grant that. I would propose you phase this in, as we should see  
139 progress, not just reports. We know that these are hard economic times and this is a fine house  
140 and you’re trying to make the proper repairs, but I think your campaign could be tweaked and that  
141 actual progress needs to be seen.  
142

143 S. Smith – I would also like to see that the windows are operational and in compliance prior to  
144 granting any extension.  
145

146 A. Lutes – We can weld those other windows shut, but this can decrease egress opportunities.  
147 We can comply. (The Board in general stated that this is not what they want, but in general these  
148 windows are securable.)  
149

150 *(The Board and Petitioner spoke at length about their campaign and funds and timing).*  
151

152 K. Busch – What makes the jump in the price – there are 6 windows and you state 30 thousand  
153 dollars in cost? (Wood casings, etc. rotted sills. Paint and wood are cosmetic and are as air tight  
154 as windows can be.) What we should be doing is granting a variance to the cosmetic work, and  
155 outlining exactly what we want you to do to “Window A” and “Window B” and so on and spend the  
156 money bare minimum that is required by the Housing Code to show a good faith effort.

157  
158 L. Wessinger – That variance would stand forever, and that is not acceptable.

159  
160 C. Christiansen – We’re not asking that they appear before us every 120 days. They can send us  
161 an email update sent to Brenda.

162  
163 S. Smith – Staff is not willing to sign off on this, so I think that postponing this another month is  
164 our option.

165  
166 A. Lutes – The earliest we could start work is in April, so we wouldn’t see any progress until June.  
167 (Staff agrees with that timetable.)

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170 **MOTION**

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172 Moved by L. Wessinger, Seconded by C. Christiansen, “**In regard to Appeal Number 2008-H-**  
173 **002, 1928 Geddes Road, the Board grants a time extension from Section 8:514 and Section**  
174 **5:409 (2), that we allow the petitioner 120 day time extension in which to work with the**  
175 **original inspector (Pat Boan) to determine what work must be done on specific windows**  
176 **cited in the last inspection once weather permits – with the following additional**  
177 **conditions:**

- 178  
179 ➤ **Petitioner must provide a report to the Board no later than 120 Days for an**  
180 **update on fundraising issues. (April of 2009).**  
181  
182 ➤ **Petitioner would not be required to reapply.**

183  
184 **On a Voice Vote – MOTION TO GRANT TIME EXTENTION - PASSED – UNANIMOUS (TIME**  
185 **EXTENSION of 120 DAYS IS GRANTED)**

186  
187 *The petitioner is given 120 days from today to comply with the specified conditions above)*

188  
189 **D. OLD BUSINESS**

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191 **E. NEW BUSINESS**

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193 D. Fleece – Mentioned Bed bug complaints. Although those have been unheard of for  
194 years, he stated that there are national trends that are increasing regarding these. He  
195 stated they would post this information on the county on the website. Bedbugs are BACK!!  
196 Looking at major urban areas, about two years ago they would get 10 to 20 complaints, but  
197 now it’s in the thousands. (He passed out related literature to the Board). They are  
198 translucent until they feed.

199  
200 L. Wessinger – What causes these? (D. Fleece – They are existing. People will buy used  
201 mattresses and become infected. These can be dormant for a year without feeding, and  
202 you are led to believe that you don’t have an issue but you do.)

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L. Christiansen – They will leave itchy red spots on you, and *that* is why we will not allow mattresses to move from house to house. Years ago the students did that a lot, but we don't allow that anymore. If someone also walks in your room, they can attach to the feet and spread through the home like wildfire.)

**F. REPORTS & COMMUNICATIONS –**

Received the reports and locations on new meeting places and times.

**G. AUDIENCE PARTICIPATION – GENERAL - None.**

**ADJOURNMENT**

Moved by C. Christiansen, Seconded by D. Fleece, “**that the meeting be adjourned.**”

**On a Voice Vote – MOTION TO ADJORN PASSED - *UNANIMOUS***

Chair Sandi Smith adjourned the meeting at 2:37 p.m.

***(Submitted by: Brenda Acquaviva, Administrative Support Specialist V – Housing Board of Appeals)***