

City of Huntington Woods
Special Meeting of the City Commission
Tuesday, June 22, 2020
7:00 p.m.
Remote Meeting – Not at City Hall
Agenda

CALL TO ORDER
PLEDGE OF ALLEGIANCE
ROLL CALL
APPROVAL OF AGENDA

ITEMS OF BUSINESS

1. Show Cause Hearing for 10425 Elgin, Tax ID No. 32-25-20-259-015
In accordance with the provisions of Chapter 6, Building and Building Regulations, Article VII, Section 6-187, an enforcement hearing will be conducted by the City Commission regarding the Dangerous Building Findings and Order issued by the Hearing Officer on January 28, 2020 requesting the Dangerous Building Findings and Order dated January 28, 2020 to be enforced.

PUBLIC PARTICIPATION

Note: Being a Special Meeting of the City Commission there can be no further action brought before the Commission.

ADJOURNMENT OF SPECIAL CITY COMMISSION MEETING

Public Expression is encouraged. Comments are invited on each Agenda item when that item comes up for consideration. Matters not listed on the Agenda may be addressed under "Public Participation". Please be advised that the Commission Meetings are usually attended by the media and cablecast live, in addition to being re-cablecast following the meeting. The City of Huntington Woods will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed material being considered at the meeting, to individuals with disabilities attending the meeting upon three working days notice to the City. Individuals with disabilities requiring auxiliary aids or services should contact the City by writing or calling: Tim Rowland, ADA Coordinator, Huntington Woods City Hall, 26815 Scotia, Huntington Woods, MI 48070, (1-248-541-4300). Deaf-Tel(1-248-541-1180).

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STATE OF MICHIGAN
CITY OF HUNTINGTON WOODS

IN RE: DANGEROUS BUILDING HEARING

10425 Elgin Avenue
Huntington Woods, MI

Ta Id. Number: 32-25-20-259-015

Owner:

Michael Brainard, Successor Trustee
Kathleen M. Brainard Trust dated October 13, 1998

Hearing Officer: Julie Fielek

FINDINGS AND ORDER

The City of Huntington Woods ("City") commenced a Dangerous Building proceeding as to the garage located at 10425 Elgin Avenue seeking to abate the dangerous building conditions existing on the property.

In support of its request for relief, the City submitted:

- A copy of the City of Huntington Woods Dangerous Building Ordinance
- Notice of Hearing dated January 3, 2020
- Objection To Hearing from Michael Brainard
- Written Answer to Hearing from Michael Brainard dated January 15, 2020
- Affidavit in Support of Dangerous Building Hearing from Henry Berry: Zoning Administrator and Code Enforcement Officer: City of Huntington Woods

- Structural Engineering Report from Sheppard Engineering dated September 25, 2018
- Copy of letter to Kathleen Brainard & Trustee from Hank Berry Zoning Administrator and Ray Kee Building Official dated Sept. 19, 2017 notifying the owner of the unsafe conditions of the garage
- Copy of Building Official Letter from Duaine Franks dated June 7, 2018 after his inspection.
- Pictures #1 through #18 showing conditions of the garage
- Copy of Valuation Report for garage
- Copy of Water Service Billing from 1/18/2010 thru 10/23/2019 showing no water usage except for Month of Oct. 2014 (\$400.00) and Month of Oct. 2010 (\$500.00). This shows no occupancy of the home during this time period.
- Rough Estimate prepared by the City of Huntington Woods to repair required items.
- Letter from City Attorney Carol A. Rosati dated January 17, 2019 to Mr. Michael Brainard confirming her telephone call with Mr. Brainard stating that Mr. Brainard would not attend and allowing us to use his written response at the hearing.

Michael Brainard, the Successor Trustee of the Kathleen M. Brainard Trust dated October 13, 1998, did not appear. Mr. Brainard accepted the certified mail notifying him of the Dangerous Building Hearing and submitted Written Objections and a Response. Prior to the hearing, the City Attorney also spoke to Mr. Brainard who agreed the hearing could be conducted in his absence, which was then confirmed in a letter to Mr. Brainard by the City Attorney.

In his Objections and Written Response, Mr. Brainard argues:

- He is not opposed to renovating the garage and making it safe
- He is requesting the city to identify the proper permit, requirements and cost
- He states the property has "been regularly occupied by myself and members of my family for weeks on end".
- He states he has not seen a copy of the Structural Engineer's report until now although the City says it was sent to him previously
- He states he intends to repair this garage
- He states he is willing to upgrade the garage framing to meet today's standards
- He states he will repaint the garage when the weather gets warmer
- He states the shingles have not failed and do not need to be replaced at this time
- He objects to the findings provided by Mr. Berry's Affidavit
- He states since the Michigan economy has improved it is his intention to fix the house and sell it.

After considering all the evidence, exhibits and testimony at the hearing, I find that the garage is a Dangerous Building as defined in the Housing Law of Michigan PA 1971, No. 167, MCL 125.539(a), (c), (e), and (f), and the corresponding sections under the City's Dangerous Building Ordinance, Chapter 6 of the Code of Ordinances, Buildings and Building Regulations, Article VII, Dangerous Buildings.

THEREFORE, IT IS HEREBY ORDERED that Mr. Brainard shall take the following steps, within 90 days of entry of this Order, to remedy the following Dangerous Building conditions existing with the garage at 10425 Elgin Avenue:

1. The 24" cantilevered gable at the front of the garage was not built properly and not supported with structural members resulting in the front wall of the garage leaning slightly to the west and the cantilevered front gable sagging excessively. The cantilevered gable must be completely removed. The gable roof should be rebuilt with a maximum overhang not to exceed 8" since the existing door header is not adequate to support the current roof load and the minimal 2 x 4 rafter framing does not provide adequate support for the reversed rafter framing.

2. The items being stored in the rafters must be removed immediately since the cantilevered gable framing is not structurally adequate to support the additional loads.

3. The existing 2 x 4 roof rafters are approximately 24% overstressed. The existing rafters need to be reinforced by installing 2 x 4 #2 Hem-Fir or better rafters alongside every existing rafter and connecting them together with 16d nails at 16" O.C..

4. At least two additional tension ties must be provided at the front of the garage to provide a minimum of ties at every other rafter location. The new ties should be connected in accordance with the minimum code requirements for roof framing members and additional fasteners must be added to the existing tension ties to meet the current code requirements.

5. The racking of the front wall of the garage must be remediated by jacking the front wall to a plumb condition and sheathing the interior side of the front wall on both sides of the overhead door opening. The sheathing should be connected to the existing wall studs with 8d common nails installed at 6" O.C. around the perimeter and 12" O.C. on the interior of the sheets.

6. The man door on the West wall must be removed and the wall framing replaced. As an alternative, the door must be lowered and a double 2 x 6 header must be installed to adequately support the proposed roof loads above.

7. The paint on the exterior walls must be sanded and painted to prevent long-term damage to the siding on all 4 garage walls. Prior to sanding and painting, the paint must be tested for lead and if found must be remediated as required.

8. The existing garage roof shingles are extensively weathered and show signs of deterioration. If it is found by the City that they are allowing leaking into the garage, they must be removed and replaced.

9. All work must be done by a licensed Michigan contractor under a proper building permit as determined by the City and is subjected to all required inspections by the City of Huntington Woods.

IT IS FURTHER ORDERED that if Mr. Brainard fails to complete the actions required above within 90 days of this Order, all items contained in the garage, including the unlicensed vehicle shall be removed by Mr. Brainard. IN the event that the removal has not taken place within fourteen days after expiration of the time given to complete the repairs, the City shall be authorized to enter upon the property and removal and dispose of all items in the garage, including the unlicensed vehicle.

IT IS FURTHER ORDERED that the Hearing Officer may upon assessing the progress direct the City to enter the property for the purposes of:

1. Demolishing the garage.
2. Removal and disposal of all items contained in the garage, including the unlicensed vehicle.
3. The City shall invoice Mr. Brainard for all the costs incurred in the demolition, including reasonable consultant and attorney fees, as well as the costs to remove and dispose of any items left in the garage. If Mr. Brainard fails to pay the invoice within thirty (30) days of the mailing of the invoice, all such costs shall be placed on the tax rolls for the property and collected in the same manner as all taxes assessed against the property.

IT IS FURTHER ORDERED that a copy of this Order shall be recorded in the Oakland County Register of Deeds to notify any potential purchasers of the property of the actions required to remedy the Dangerous Building conditions.



JULIE FIELEK, Hearing Officer