

1. May Special Meeting Agenda

Documents:

[01- ZBA AGENDA 05-01-19.PDF](#)

2. Draft January Minutes

Documents:

[02- 1-23-19 DRAFT ZONING MINUTES.PDF](#)

3. 01- 472 Second Decision Letters

Documents:

[03.1- 472 SECOND DECISION LETTER.PDF](#)

4. 02- 472 Second Appeal Application

Documents:

[03.2- 472 SECOND APPLICATION_REDACTED.PDF](#)

5. 03- 472 Second Staff Memo

Documents:

[03.3- 472 SECOND STAFF MEMO.PDF](#)

6. 04- 472 Second Additional Documents

Documents:

[03.4- 472 SECOND ADDITIONAL DOCUMENTS.PDF](#)

Agenda
Zoning Board of Appeals
Wednesday, May 1, 2019 - 7:00 P.M.
City Hall-Council Chambers, 1 S Huron St
Ypsilanti, MI 48197

I. Call to Order

II. Roll Call

Jake Albers, Chair	P	A
Heather Khan	P	A
Jared Talaga	P	A
Jason Ringholz	P	A
Tom Roach	P	A
 Georgina Hickey	 P	 A

III. Approval of Minutes

- January 23, 2019

IV. Purpose of Meeting

V. Old Business

VI. New Business

- 472 Second St- Appeal of Administrative Decision
122-349(e), Abandonment of Nonconforming Use
Public Hearing

VII. Adjournment

**ZONING BOARD OF APPEALS
MEETING MINUTES
JANUARY 23, 2019
CITY COUNCIL CHAMBERS
7:00 P.M.**

I. CALL TO ORDER

The meeting was called to order at 7:00 pm.

II. ROLL CALL

Present: J. Albers, H. Khan, T. Roach, J. Ringholz, G. Hickey

Absent: J. Talaga

Staff: C. Kochanek, Preservation Planner
B. Wessler, City Planner
N. Schuette, Executive Secretary

III. APPROVAL OF MINUTES

Commissioner Kahn moved to approve the minutes of August 22, 2018 as written (Support: J. Albers) and the motion carried unanimously

IV. PURPOSE OF MEETING

Chairman Albers stated the purpose of the meeting.

V. OLD BUSINESS

None

VI. NEW BUSINESS

1. Election of Officers – Vice Chair vacancy

Chair Albers moved to elect Commissioner Kahn as Vice-Chair (Support: T. Roach) and the motion carried unanimously.

2. 528, 530 and 534 N. Huron – Variances

Sec. 122-607(a), Building entrances, Rights of Way, and Easements

City Planner Wessler stated that this is a request for approval of a variance from Sec 122-607(a), requiring that the building entrance face the street. They are proposing an addition and as part of this, they are changing the appearance of the building and expanding it to the south. They would like to change the door to an angle to Huron St. The current door is at a similar angle to Huron. This is a unique situation wherein staff is not making a recommendation. A variance for the door was seen by the Zoning Board of appeals back on May 23, 2018, at that time, the door was not angled but fully facing the parking lot to the south of the building. ZBA denied that variance application. At that meeting the ZBA stated that an acceptable compromise for the door may be to have it angled similar to how it is on the building currently. Since the May ZBA meeting, the applicant filed an appeal of the denial of the variances for the door location and the commercial frontages. Included in the packet is a memo from the attorney's office and the stipulation and order to dismiss without prejudice. Therefore no recommendation is provided by staff per the settlement agreement.

Commissioner Kahn moved to open the public portion of the hearing (Support: G. Hickey) and the motion carried unanimously.

Jeff Leib - 30445 Northwestern Hwy, Ste 230, Farmington Hills, was in attendance to represent the owner of the property, Mr. Tamou. Mr. Tamou is requesting to renovate and upgrade the store that he has owned for upwards of 15 years. The existing store has been there for over 80 years existing as a party store. Following the May 23, 2018 ZBA meeting, there was a facilitation by the City Attorney, Dan Duchene, of Barr law firm. As a result of that meeting, they met with Ms. Wessler and agreed to come back to the ZBA for this request. The first variance request is for the transparency issue by installing windows on the north and west side of the existing building and propose four panels with brick veneer that can be removed and replaced with glass windows when the applicant, or his successor, changes the use of the building. The second variance request is to allow the new entrance to be at a 45 degree angle at the southwest corner of N. Huron and W. Forest; and the third variance is to approve the variance that was previously approved allowing the addition to be along the same line as existing store along Huron St in terms of setbacks. The practical difficulty relating to the transparency issue relates to the existing party store. Street level windows and liquor stores are inconsistent with each other and are mutually exclusive - strictly for security purposes. If the use changes, the brick veneer can easily be removed in favor of putting in preferred windows. 90% of customers of the keg drive there. He quoted Ms. Wessler's comments on Page 9 on this issue. The 45 degree angle of the entrance is a compromise that is consistent with what currently exists. He stated that they had received 348 signatures on petitions of customers, which he submitted. He added that the Site Plan Review and Special Use had been approved by the Planning Commission.

Maurice Charbonneau - JSN Architects, 3856 12 Mile Road, Berkley, MI, referred to the new site plan and items discussed with revisions. Two items specifically mentioned are a kiosk and relocating the rear bike rack.

Mr. Lieb added that the plan on transparency shows windows that were not on the original building – they are being added.

Since there were no further questions, Commissioner Roach moved to close the public portion of the hearing (H. Khan) and the motion carried unanimously.

Commissioner Roach moved to recess (Support: J. Ringholz) and the motion carried unanimously.

After some discussion by board members, Commissioner Roach moved to re-open the meeting (Support: H. Khan) and the motion carried unanimously.

Discussion was held by board members on their thoughts on the requested variances, after which, Commissioner Khan moved that the Zoning Board of Appeals approve the requested variance from Sec 122-607(a), for the Keg Proposed Addition at 528, 530 & 534 N. Huron, with the following findings that:

- a. Literal enforcement of the ordinance will pose practical difficulties because of the need to serve both a driving customer base and a pedestrian customer base.
- b. It is necessary for the preservation and enjoyment of a substantial property right, as the variance allows a current condition to continue.
- c. The practical difficulties have not been created by any person having an interest in the property.
- d. Granting the variance will not be detrimental to the public welfare or injurious to property.
- e. Substantial justice will be done, as it allows the store to serve a wide customer base while respecting the neighborhood fabric.

The motion was supported by Commissioner Hickey and carried unanimously.

Sec. 122-477, Commercial Frontage Requirements

Planner Wessler gave a brief staff presentation. The applicant is looking to be granted a variance to not adhere to the standards as laid out in Commercial Frontage as required in Sec 122-477 and Sec 122-484. As proposed, they are proposing 7.6% transparency along store front, ordinance requires 60%. There are several liquor stores in the city that can be compared to this site. Ms. Wessler distributed copies of other locations that are not necessarily local. Commissioner Khan asked if we are looking at the site in context of the neighborhood. Commissioner Hickey asked about calculations of transparency.

Ms. Wessler responded that staff calculated the transparency differently than the applicant, which she detailed. She recommended that members look at the elevations since that will give them a better reference point, which she reviewed. Chair Albers added that he appreciated the effort, however, while he does not want to negate the support, he questions how much detail or information on the standards was given to the people prior to signing petitions. Commissioner Hickey added that she was “not quite there yet” on the windows. Chair Albers feels that more windows are a deterrent and wants this building to be more in line with Best Practices for a walkable neighborhood. While it may be 90% auto dominated now, in the future it might not be the case. Commissioner Khan reiterated again that we should look at the site in the context of the neighborhood. She also asked about the process on how the 3% was calculated on the ground floor transparency on the N. Huron side.

Maurice Charbonneau stated that on the 3% calculation, he had gone back and checked it and found the calculation was in error. He added that there had previously been only two windows before and they have now added a third. The 4th area is office. In response to the signatures, they showed people elevations of the proposed layout and asked what their thought was on how it would work and they were very supportive. **Mr. Lieb** added that it was his opinion that they had come a long way in revisions, but have provided for future use but ask the commission to consider there is a practical difficulty.

Commissioner Roach moved to open the public portion of the hearing (Support: H. Khan) and the motion carried unanimously.

Since there was no input from the public, Commissioner Hickey moved to close the public portion of the hearing (Support: T. Roach) and the motion carried unanimously.

Chair Albers moved that the Zoning Board of Appeals deny the requested variance from Sec 122-477, commercial frontage requirements, for the Keg proposed Additions as the standards of Sec 122-370(b) 1, 2, 4 and 5 are not met, with the following findings:

- a. Literal enforcement of the ordinance will not pose practical difficulties because there are no conditions or circumstances that are unique to the property, per the staff report.
- b. It is not necessary for the preservation and enjoyment of a substantial property right, as it is the same standard for everyone in NC would be held to.
- c. Granting the variance will be detrimental to the public welfare, as it does not foster a walkable, connected neighborhood, which have a positive effect upon public health.
- d. Allowance of a variance will not result in substantial justice being done, as the granting of a variance will not foster walkability or support eyes on the street.

3. 307 N. River – Variances

Sec 122-672, Sidewalks

Ms. Wessler provided a brief staff report on all of these variances which were reviewed and noted on one staff report with a break-out on each variance. She referred to page 25 of the Staff Report dated November 2018. See attachment #1, pages [25 and 26 of the staff report](#) for 307 N River. Staff is recommending approval on two of the variances, Sec 122-683(b)(7) and Sec 122-683(i), and denial of the others, which she detailed. She also explained “payment of fee-in-lieu of” instead of reconstruction or addition of a sidewalk.

Mark Wright, Architect, 2400 Huron Parkway - stated there were a number of issues with the property and detailed some of the problems they are faced with on the sidewalks. It is his opinion that this would be impractical. Currently, the sidewalk comes in at the entrance of the building and that was where the pedestrian pathway would be.

Ryan Wallace, 907 Grant Street, is one of the owners along with his wife Rebecca – feels that this request is impractical since there is a house at the end of Photo Street that dead ends at the side of their property and the proposed sidewalk would be from the end of the house and then begin the sidewalk to nowhere.

Ms. Wessler explained how the ordinance works and that a finding of fact has to be made. When Planning Commission gives a waiver, they have to give a finding of fact as to why they are giving a waiver, so in this case, it would be telling the applicant they did not have to build a sidewalk because it would be a sidewalk to nowhere but you have to pay a fee or you can do the opposite and give some variation of fact. In other cases where the Planning Commission can grant a waiver, the Zoning Board of Appeals has occasionally tabled it, thus allowing the applicant the opportunity to go before the Planning Commission get a ruling there and then come back to ZBA.

Commissioner Roach moved to open the public portion of the hearing (Support: J. Ringholz) and the motion carried unanimously.

Since there was no public comment, Commissioner Hickey moved to close the public portion of the hearing (Support: H. Khan) and the motion carried unanimously.

After discussion on the pros and cons of this issue; regarding granting a variance vs a payment of fee-in-lieu of, Commissioner Khan moved to table this item (Support: G. Hickey) and the motion carried unanimously.

Sec 122-683, Off-Street Parking Layout and Construction

Mark Wright, Architect – there is a power pole there which makes it difficult to get it off-set from Ninde.

Commissioner Hickey moved to open the public portion of the hearing (Support: J. Ringholz) and the motion carried unanimously.

Since there was no public comment, Commissioner Roach moved to close the public portion of the hearing (Support: J. Ringholz) and the motion carried unanimously.

Commissioner Khan moved that the Zoning Board of Appeals approve the following variance for the Cultivate Coffee and Tap House Improvement project:

A variance from 122-683(b)(7) at the intersection of Photo and Ninde, with the condition that the standards of Sec 122-683(b)(6) shall apply, with the following findings in alignment with Sec 122-320(b):

- a. Photo and Ninde streets are unique in their circulation patterns and low traffic volumes
- b. The granting of this variance will not be detrimental to the public welfare
- c. The granting of this variance will result in substantial justice, as it permits the applicant greater design flexibility on a low-volume street without compromising traffic safety

The motion was supported by Commissioner Hickey and carried unanimously.

Chair Albers moved that the Zoning Board of Appeals approve the following variance for the Cultivate Coffee and Tap House Improvement project:

A variance from Sec 122-683(i), to permit any gravel paving to omit striping, with the following findings in alignment with Sec 122-320(b):

- a. Gravel paving does not hold striping in the long term
- b. the applicant will provide wheel stops to indicate proper parking layout
- c. the granting of this variance will not be detrimental to the public welfare

The motion was supported by Commissioner Khan and carried unanimously.

Sec 122-683(b)(6) Drive Alignment

Ryan Wallace – stated that their property was there prior to the parking lot and when that became a parking lot, the paved parking was still the same as Ted's Auto Garage. He is wondering why they didn't have to conform their parking lot to match their property at that time. Ms. Wessler responded that the previous layout, which is now known as Cultivate is different. Right now the

parking is laid out parallel with the building; previously they had been perpendicular with the building so cars could back out on to the street, which is no longer allowed. A lot of the Zoning Ordinance was different at that time – i.e. no off-street landscaping was required at the Sidetrack parking lot so it was a very different engineering standard at that time.

A motion was made by Commissioner Hickey to open the public hearing of the building (Support: T. Roach) and the motion carried unanimously.

Since there was no comment from the public, Commissioner Hickey moved to close the public portion of the hearing (Support: T. Roach) and the motion carried unanimously.

Commissioner Hickey asked what would have to be done to the parking lot to have it be in line with the Zoning Ordinance. Ms. Wessler stated that the design would be the responsibility of the design architect. They bring us the design and we either approve or deny. She continued by adding that they could choose to conform to the ordinance or significantly change their site plan. This is a complex site and after further discussion, they agreed that there are a lot of moving parts in this set of variances which do relate to each other. Ms. Wessler added that the Zoning Board of Appeals has the power to table the item and refer back to Planning Commission.

There are a lot of moving parts in this set of variances and they do relate to each other. You have the power to table and refer back to Planning Commission.

Commissioner Roach moved to table the following variance requests for:

Sec 122-683(b)(6)
Sec 122-684, Parking Screening and Landscaping
Sec 122-685, Parking Dimensions

Commissioner Hickey supported the motion and by voice vote, carried unanimously.

4. 708 Pearl – Variance

Sec 122-683(b), Driveway width North side of Pearl St between N. Normal and Perrin

Preservation Planner Cynthia Kochanek presented the staff report stating that is a request for approval of a variance from driveway width requirements. The parcel is currently vacant. The house that previously existed on the site was demolished in 2006. No special use permits have previously been approved for this property. A variance was approved for the driveway back on November 29, 2017 but has since expired along with the site plan that was approved by Planning Commission in September 2017. One of the conditions of the site plan approval in 2017 was that the applicant seek a variance for the driveway width.

The applicant will be returning to the Planning Commission for site plan approval in February.

The applicant has proposed a one way drive at 10' instead of the 20', or two-way drive required by the zoning ordinance in Sec 122-683(b) for ingress and egress. The original plans back in 2017 had a 13' wide drive without an access path, which is required by the zoning ordinance. Staff and the Planning Commission required the driveway width, which was already not large enough to accommodate two way traffic, to be decreased to accommodate a 5' access path. Staff is recommending denial with finding listed in the staff report dated January 18, 2019.

Todd Ballou, 3300 Berry Road, architect for the project – stated that they had started with a wider driveway but they couldn't meet the 20'. They would have to go down to 10' to put in a decent sidewalk; the whole issue on the frontage is fine with them.

Chair Albers asked what had happened between when they were approved originally and where we are now.

Mr. Ballou responded that the owner is doing the work and has other projects and just never got around to it and was out of the country for a while also.

Commissioner Hickey asked about the number of parking spaces and Mr. Ballou responded that they are proposing seven with six being required. These are revised plans after they went through the Planning Commission and Zoning Board. Commissioner Roach asked why staff is recommending denial now if it was approved before. Ms. Kochanek responded that staff has a duty to recommend denial unless every one of the variance standards is met.

Commissioner Roach asked if the driveway runs along the sidewalk.

Mr. Ballou stated that there is an entrance in the front and back of building so if you park at the back you have to use this sidewalk to get to the front because they had to stay away from the property line.

Commissioner Roach moved to open the public portion of the hearing (Support: H. Khan) and the motion carried unanimously.

Since there was no public comment, Commissioner Khan moved to close the public portion of the hearing (Support: G. Hickey) and the motion carried unanimously.

Commissioner Albers moved that the Zoning Board of Appeals approve the variance request from Sec. 122-683 (b) to permit a one-way driveway with a 10' width at 708 Pearl, with the following findings:

- o Per Sec. 122-370(b)(2) such a variance is necessary for the preservation and enjoyment of the property as many properties in this area have a one-way drive or a drive that is narrower than what is currently required by the zoning ordinance. This is expected due to the age of the area.
- o Per Sec. 122-370(b)(4) the granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located as the variance is only for the driveway width and it is not expected that the granting of this variance will be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.
- o Per Sec. 122-683(b)(6) the variance shall be the minimum variance that will make possible a reasonable use of the land, buildings, or structure. A 10' drive is reasonable considering the zoning requirements for frontage, pedestrian access and setbacks.

Condition:

1. This approval is contingent upon the installation of signage and/or mirrors to promote safe passage of automobile traffic at the site.

The motion was supported by Commissioner Hickey and carried unanimously.

5. 2019 Schedule of Meetings

Chair Albers moved to adopt the Zoning Board of Appeals 2019 Schedule of meetings with the following modification – addition of March 27, 2019 on the calendar (Support: H. Khan) and the motion carried unanimously.

6. Bylaws Revision

Planner Wessler stated that this revision was compiled over several months. The main purpose of the revision is two-fold: to reduce the quorum dropping it from four to three and also proposed other changes to clean it up; adding sections that are also in our other by-laws elsewhere. She reviewed all of the various sections and updates and making it easier.

Commissioner Roach moved to adopt the revisions as noted (Support: H. Khan) and the motion carried unanimously.

VII. ADJOURNMENT

Since there was no further business, Commissioner Roach moved to adjourn the meeting (Support: H. Khan) and the motion carried unanimously.

The meeting was adjourned at 9:30 pm.

SUMMARY

All Variances

Staff recommends the Zoning Board of Appeals **approve** the following variances for the Cultivate Coffee & Tap House Improvements project:

1. A variance from **§122-683(b)(7)** at the intersection of Photo and Ninde, with the condition that the standards of 122-683(b)(6) shall apply, with the following findings in alignment with 122-320(b);
 - Photo and Ninde streets are unique in their circulation patterns and low traffic volumes;
 - The granting of this variance will not be detrimental to the public welfare;
 - The granting of this variance will result in substantial justice, as it permits the applicant greater design flexibility on a low-volume street without compromising traffic safety.
2. A variance from **§122-683(i)**, to permit any gravel paving to omit striping, with the following findings in alignment with 122-320(b);
 - Gravel paving does not hold striping in the long term;
 - The applicant will provide wheelstops to indicate proper parking layout;
 - The granting of this variance will not be detrimental to the public welfare.

Staff recommends the Zoning Board of Appeals **deny** the following variances for the Cultivate Coffee & Tap House Improvements project:

3. A variance from **§122-672** regarding the installation or fee-in-lieu for sidewalks along Photo, with the following findings in alignment with 122-320(b):
 - The applicant has not shown practical difficulty beyond inconvenience.
 - This variance is not necessary for the preservation &/or enjoyment of a substantial property right.
 - The alleged practical difficulty is self-created with regards to the placement of the graveled lot.
 - The granting of the variance will have a negative impact upon pedestrian safety.
 - The granting of the variance would not result in substantial justice being done.
 - A reasonable use of the land, buildings, or structure is possible without this variance.
4. A variance from **§122-683(b)(6)** regarding the drive alignment with the commercial parking lot to the north, and from **§122-683(j)** regarding the omission of wheel stops, with the following findings in alignment with 122-320(b):
 - The applicant has not shown practical difficulty beyond inconvenience.
 - This variance is not necessary for the preservation &/or enjoyment of a substantial property right.
 - The alleged practical difficulty is self-created.
 - The granting of the variance will have a negative impact upon traffic safety.
 - The granting of the variance would not result in substantial justice being done.
 - A reasonable use of the land, buildings, or structure is possible without this variance.
5. A variance from **§122-684(b)(3)** regarding the provision of curbed aisle-ends for the easternmost two bays of parking, from **§122-684(c)(2)** regarding the provision of

screening between the parking areas and Photo Street, and from **§122-684(d)** regarding the location of wheelstops, with the following findings in alignment with 122-320(b):

- The applicant has not shown practical difficulty beyond inconvenience.
 - This variance is not necessary for the preservation &/or enjoyment of a substantial property right.
 - The alleged practical difficulty is self-created.
 - The granting of the variance will have a negative impact upon traffic safety, aesthetics, stormwater management, pedestrian safety and accessibility, as well as landscaping durability.
 - The granting of the variance would not result in substantial justice being done.
 - A reasonable use of the land, buildings, or structure is possible without this variance.
6. A variance from **§122-685(c)** regarding the percentage of small vehicle spaces and **§122-685(e)** regarding maneuvering aisle dimensions, with the following findings in alignment with 122-320(b):
- The applicant has not shown practical difficulty.
 - This variance is not necessary for the preservation &/or enjoyment of a substantial property right.
 - The alleged practical difficulty is self-created.
 - The granting of the variance will have a negative impact upon traffic safety.
 - The granting of the variance would not result in substantial justice being done.
 - A reasonable use of the land, buildings, or structure is possible without this variance.

Bonnie Wessler
City Planner, Community & Economic Development Division

Cynthia Kochanek
Preservation Planner, Community & Economic Development Division

Sarah Stachnik
Community and Economic Development Intern

c.c. File
 Applicant



City of Ypsilanti

Community and Economic Development

17 January 2019

Howard and Shawn Hane
1784 Sheffield Dr
Ypsilanti, MI 48198

RE: Nonconforming status of 472 Second Ave, 11-11-39-285-012, Ypsilanti MI

To Whom It May Concern:

This office has been asked for confirmation regarding the zoning status of 472 Second Street. This property is currently zoned R1, Single-family Residential; this property has been zoned as such since January of 2014.

Our records show that the property has not been registered as a rental since 2003, when the property owner at the time presented an affidavit that the property would be put into single-family use. In 2016, the property was foreclosed upon.

Under §122-349(e) of the Ypsilanti Code of Ordinances, excerpted below, we have found the nonconforming use to have been abandoned, with the following supporting findings:

- **there was a failure to maintain certification for the second unit after 2003;**
- **operation of single-family use at the property occurred per the owner's affidavit beginning in 2003;**
- **the property was foreclosed upon by a mortgage lender in 2016.**

These conditions existed for more than 365 consecutive days. This property is located in the R1, Single-family Residential zoning district, and is subject to said zoning.

Section 122-349(e) of the Code of Ordinances reads as follows:

Sec. 122-349. Class B Nonconforming uses of Buildings.

(e) *Abandonment.* If the nonconforming use of land is abandoned for a period of 365 consecutive days, where there is an intent demonstrated by the property owner to abandon the nonconforming use, it shall not thereafter be renewed, and any subsequent use of the land shall conform to the regulations of the district in which the land is located. A nonconforming use shall be determined to be abandoned if the use has ceased and one (1) or more of the following conditions exist, that said condition(s) being deemed to demonstrate intent on the part of the property owner to abandon the nonconforming use:

- (a) One (1) or more utility meters, such as water, gas and electricity to the property, have been removed;
- (b) The property, buildings and/or grounds are unsafe or unsanitary, as described in Chapter 18, Article V;
- (c) Cessation of business operations;
- (d) Receipt of a written declaration by the property owner.
- (e) Signs or other indications of the existence of the nonconforming use have been removed;
- (f) Removal of equipment or fixtures that are necessary for the operation of the nonconforming use;
- (g) Failure to maintain current licenses, certificates, permits, registrations or other appropriate documentation for the nonconforming use;
- (h) Bank or tax foreclosure;
- (i) Operation or maintenance of a permitted use at the property; or
- (j) Other actions or omissions, which in the opinion of the Planning or Building Department(s), evidence an intention of the part of the property owner to abandon the nonconforming use.

You have 30 days to appeal this decision. The form to file an appeal of administrative decision can be found online at cityofypsilanti.com/permits. This appeal is heard by the Zoning Board of Appeals. For more information about the Zoning Board of Appeals, please visit cityofypsilanti.com/zba.

Please contact me at 734-483-9646 or bwessler@cityofypsilanti.com with any questions. The full text of the zoning ordinance is available online at www.cityofypsilanti.com/zoning.

Sincerely,

A handwritten signature in black ink, appearing to read 'BWessler', with a large, stylized loop at the end.

Bonnie Wessler
City Planner, Community & Economic Development Division

CC: File
Building Department



City of Ypsilanti

Community and Economic Development

05 February 2019

Howard and Shawn Hane
1784 Sheffield Dr
Ypsilanti, MI 48198

RE: CORRECTION: Appeals timeframe, Nonconforming status of 472 Second Ave, 11-11-39-285-012, Ypsilanti MI

To Whom It May Concern:

This office sent a letter, dated 17 Jan 2019, that had incorrect information regarding the timeframe for appeal. The property owner has **60 days**, not 30 days, following receipt of that letter to appeal the decision regarding the abandonment of nonconforming status.

The form to file an appeal of administrative decision can be found online at cityofypsilanti.com/permits. This appeal is heard by the Zoning Board of Appeals. For more information about the Zoning Board of Appeals, please visit cityofypsilanti.com/zba.

Please contact me at 734-483-9646 or bwessler@cityofypsilanti.com with any questions. The full text of the zoning ordinance is available online at www.cityofypsilanti.com/zoning.

Sincerely,

Bonnie Wessler
City Planner, Community & Economic Development Division

CC: File
Building Department



City of Ypsilanti
Planning & Development Department

One South Huron • Ypsilanti, MI 48197
Phone: (734) 483-9646 • Fax: (734) 483-7260
www.cityofypsilanti.com

APPEAL OF ADMINISTRATIVE DECISION TO THE ZONING BOARD OF APPEALS

Applicant*

Name		
Howard and Shawn Hane		
Address		
1784 Sheffield Drive		
City	State	Zip
Ypsilanti	MI	48198
Phone / Fax		E-Mail
734-483-4166		efreatman@roberts-freatman.com

*If applicant is not owner of the property in question, a written, notarized statement from the owner authorizing this application must be included.

Property

Name of project
Address:
472 Second Avenue
Parcel identification number(s):
11-11-39-285-012
Legal description(s) (may be attached):
*OLD SID - 11 11-390-043-20 YP CITY 39W-41 N 1/2 OF LOT 43 MORSE'S ADDITION.

Decision

Administrative decision in question (include any ordinance section referenced in the decision; may be attached):
Abandonment of nonconforming use
Section 122-349(e) of the Ypsilanti Code of Ordinances. Class B Nonconforming uses of Buildings.

Argument in support of the appeal (may be attached):

The multi-family use of the property was never abandoned.

The property is not properly configured to be used as a single-family home.

The property has always been used as a multi-family home.

Circumstances, factors, and other relevant information (may be attached):

The City of Ypsilanti Building Department conducted and approved rental inspections for the property in question, considering both units to be a duplex.

Signature

I hereby attest that the above information is accurate. I am authorized to and grant permission to the City of Ypsilanti staff to be on the subject property for the purposes of preparing staff reports and/or evaluating this application.

Print Name:

ELLIS B. FREATMAN III ATTY for APPLICANT

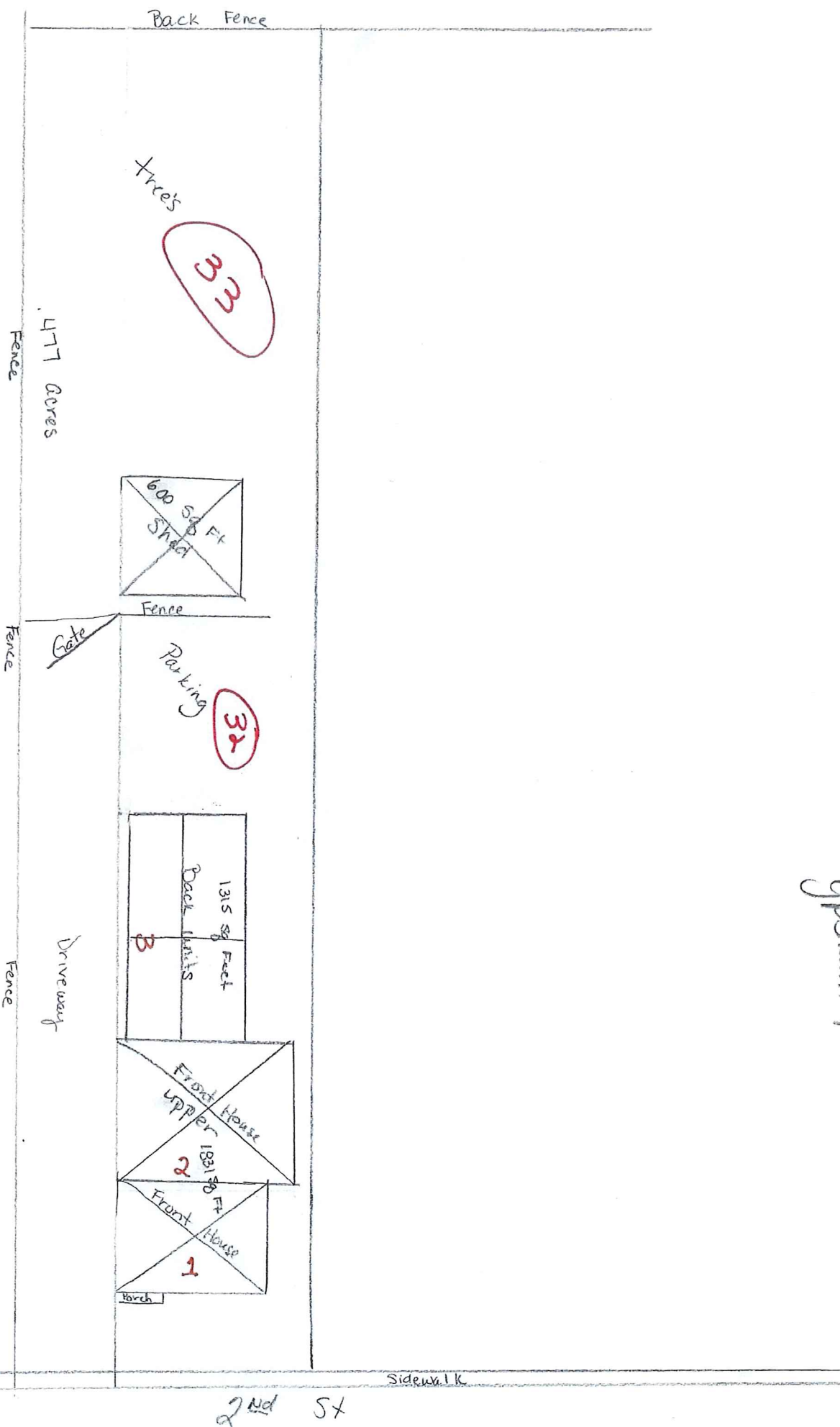
Attachment

The property in question has been a multi-family residence at all times relevant to this application/appeal. Notwithstanding the so-called "Owner's Affidavit" in 2003 the home was never converted nor used as a single-family residence. Indeed, the property, as shown by the photos and diagrams, is not configured to be a single-family home.

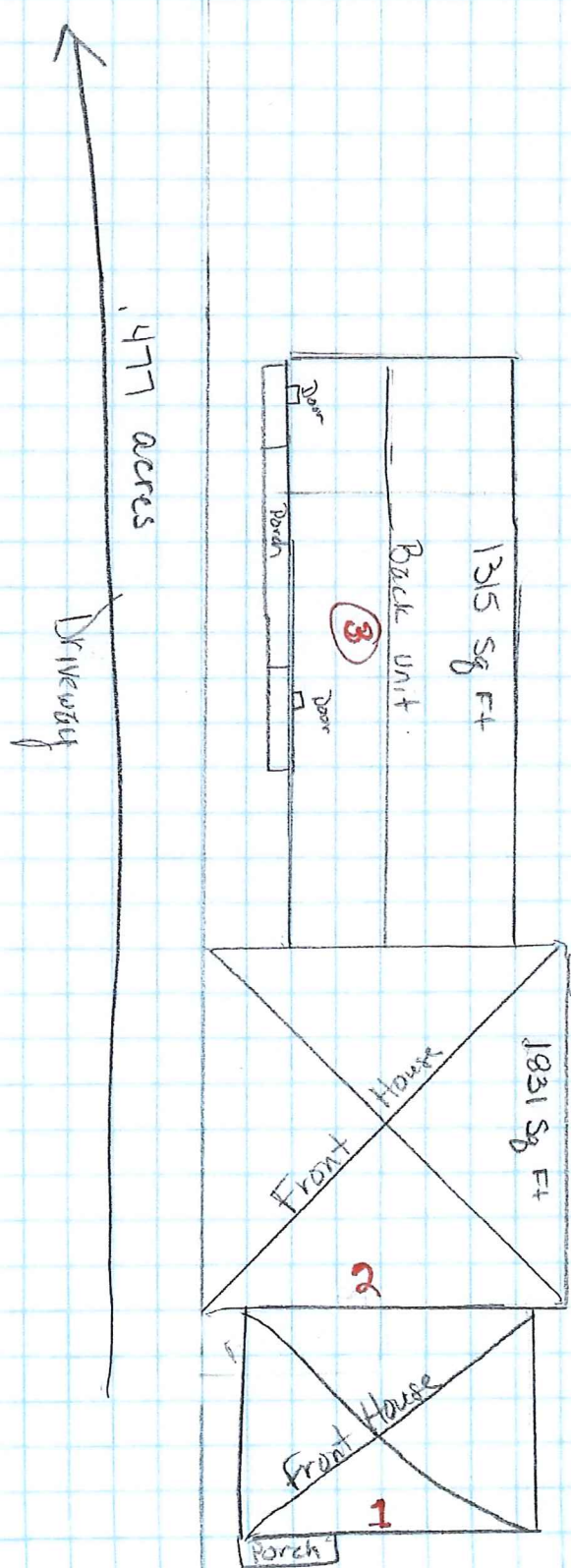
The surrounding neighborhood is filled with multi-family properties. A duplex at this location would be very much in character with the neighboring properties. An informal survey of the surrounding neighborhood shows an estimated 100 multi-family properties. The character of the neighborhood will in no way be negatively impacted by allowing the use as a duplex to continue.

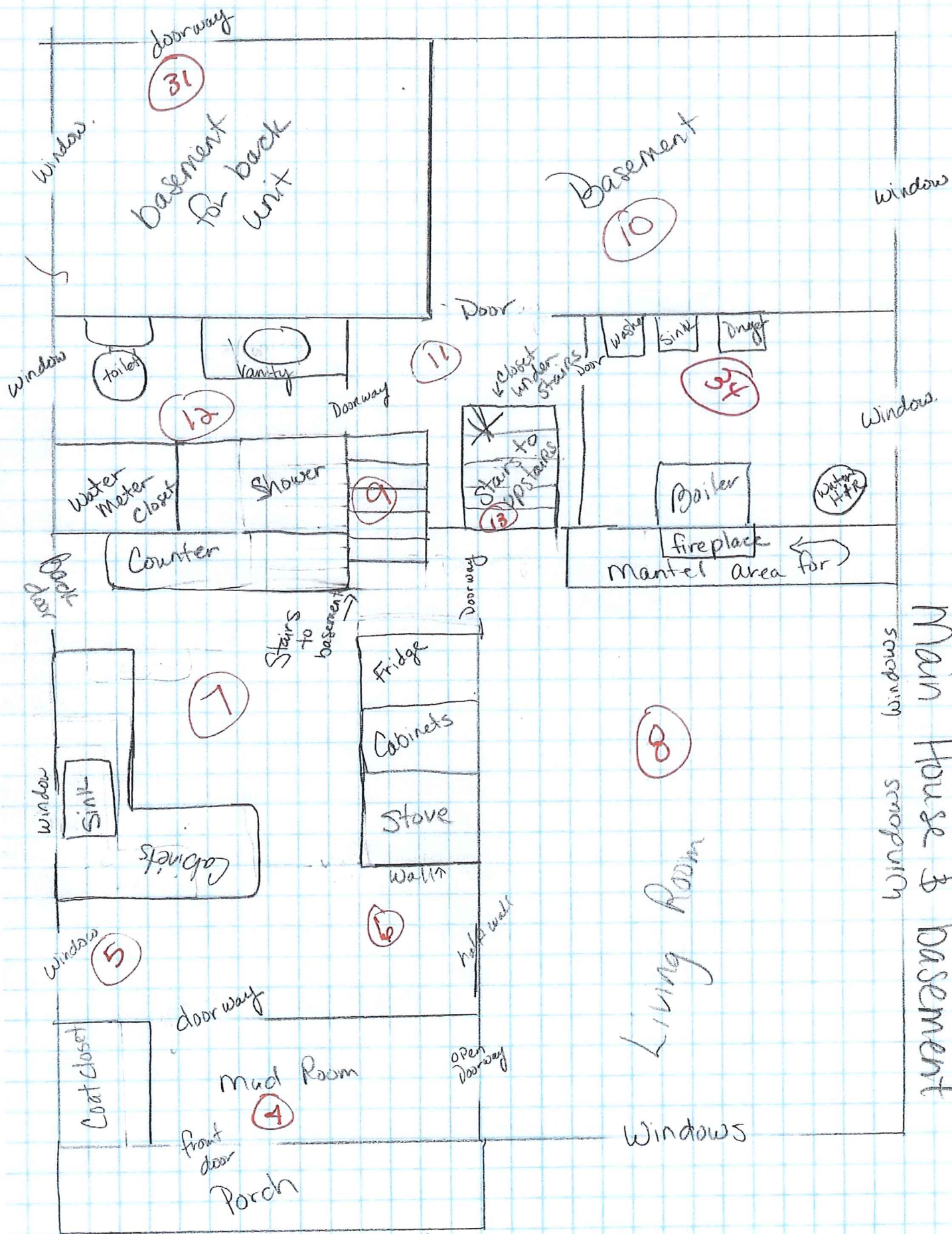
The building department has inspected the property and has certified it for occupancy as a duplex. (Not ruling on zoning). The inspection and "certification" both clearly evidence the fact that the property was and is a duplex and never converted to a single-family use. The foreclosure occurred due to the deteriorative mental health of the previous owner. It was not in any way evidence of an intent to "abandon" the use.

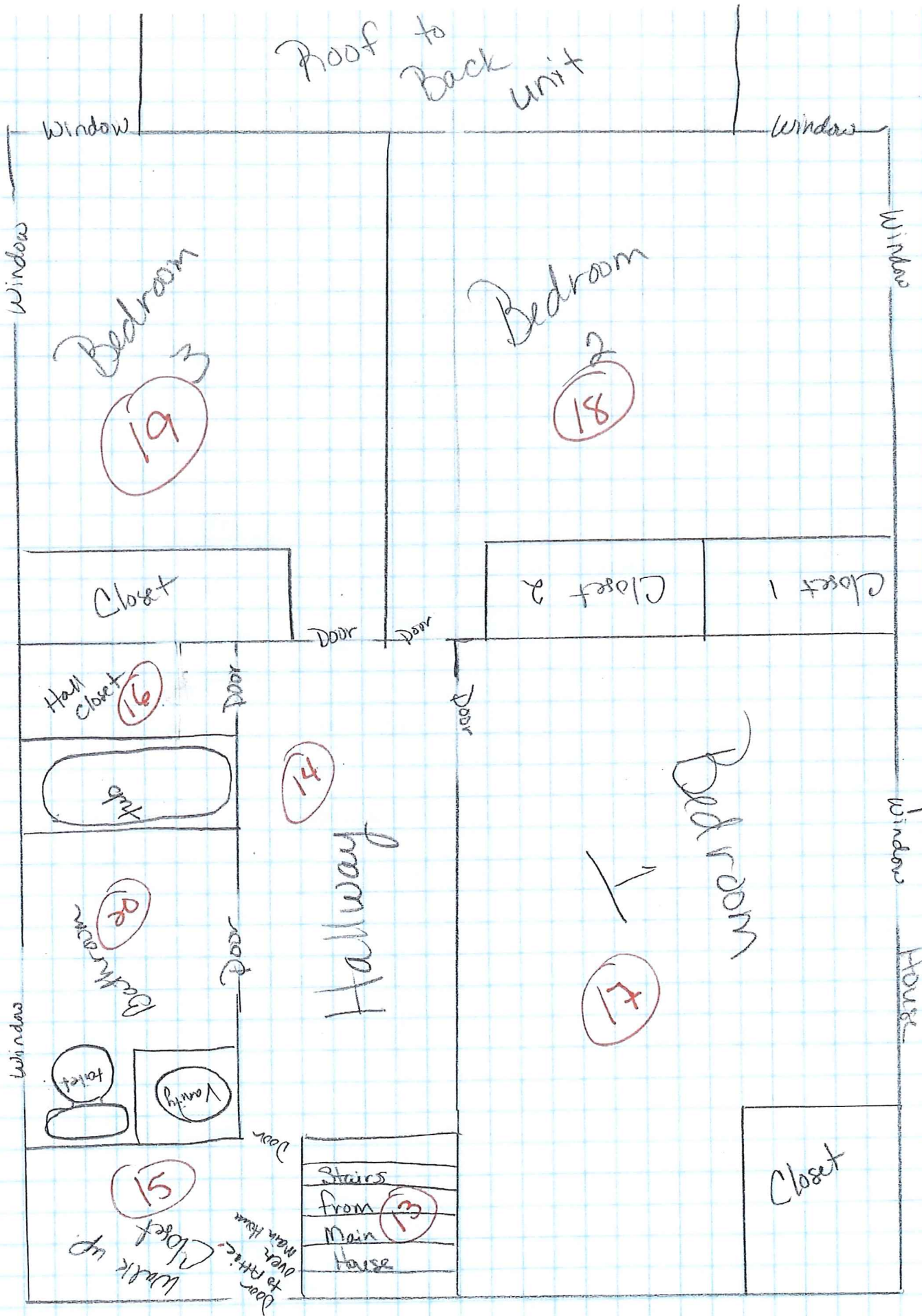
472 2nd St
Ypsilanti, MI 48197



472 2nd St
Upsilanti, MI 48197







Roof to Back Unit

Window

Window

Window

Window

Bedroom
3
19

Bedroom
2
18

Closet

Closet 2

Closet 1

Door

Door

Hall Closet
16

Door

Tub

14

Bathroom
16

Door

Toilet
Vanity

Door

15

Work up.
Closet

Door to attic over main house

Stairs from Main House
13

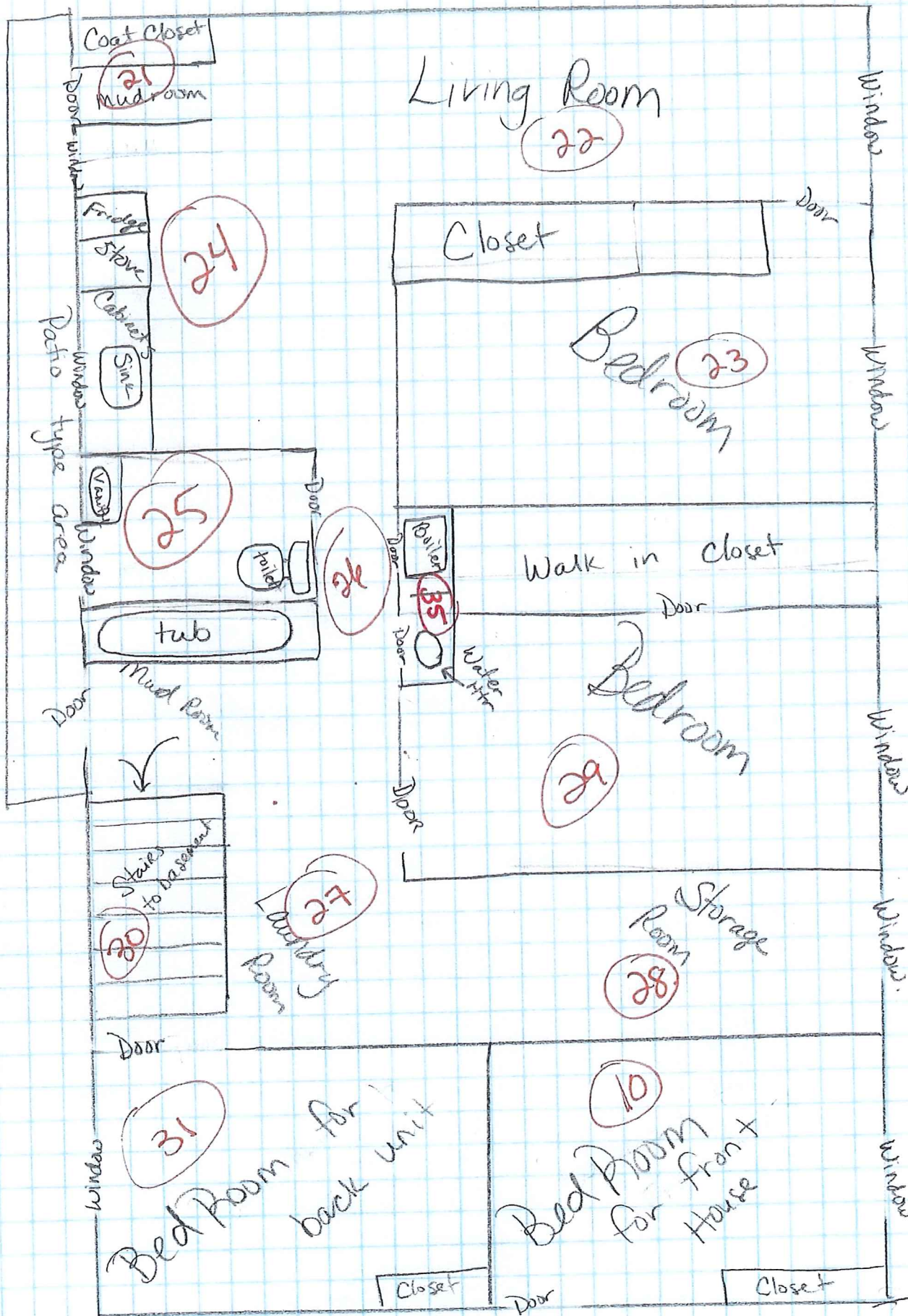
Bedroom
17

Closet

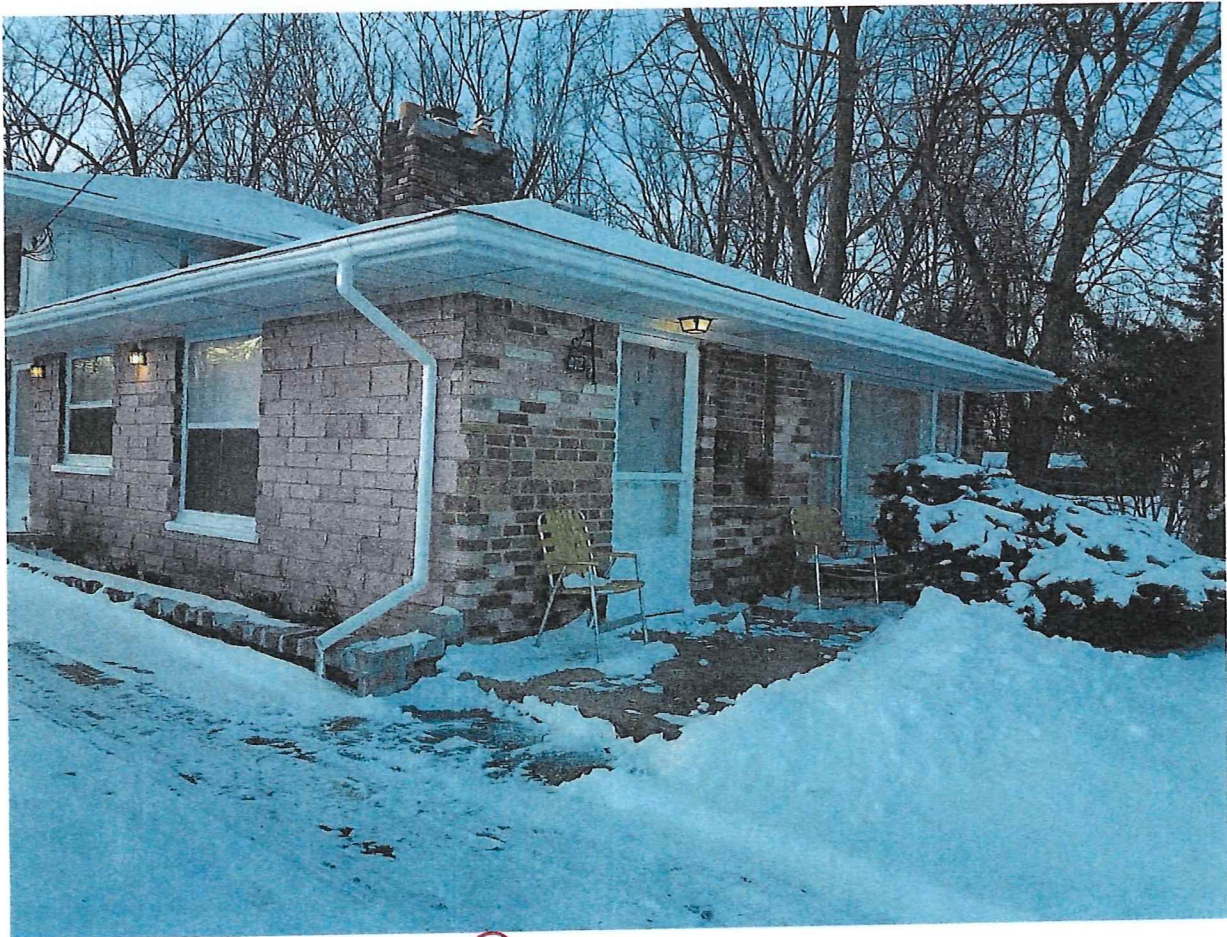
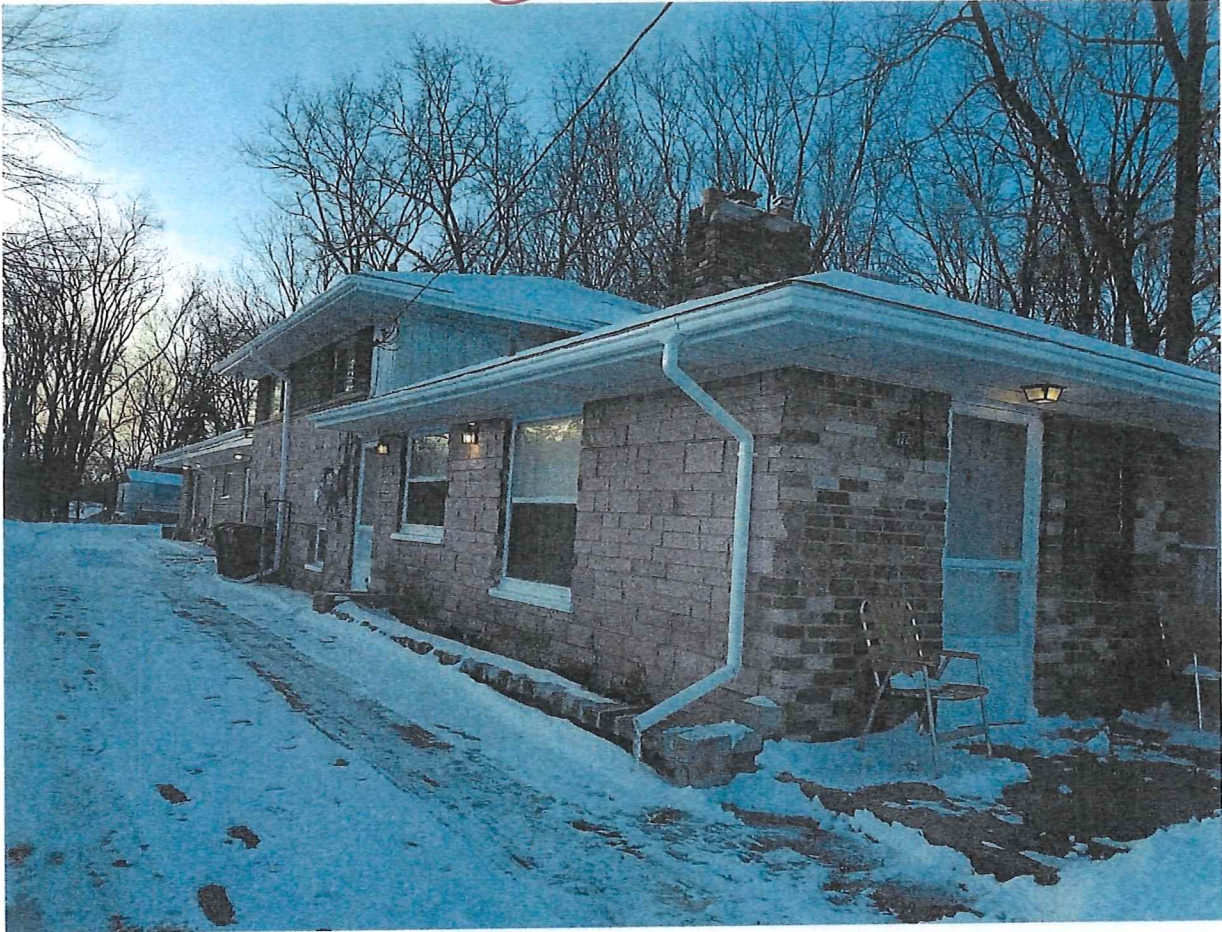
Upstairs to Main House

Back

Unit 1315 Sq Feet



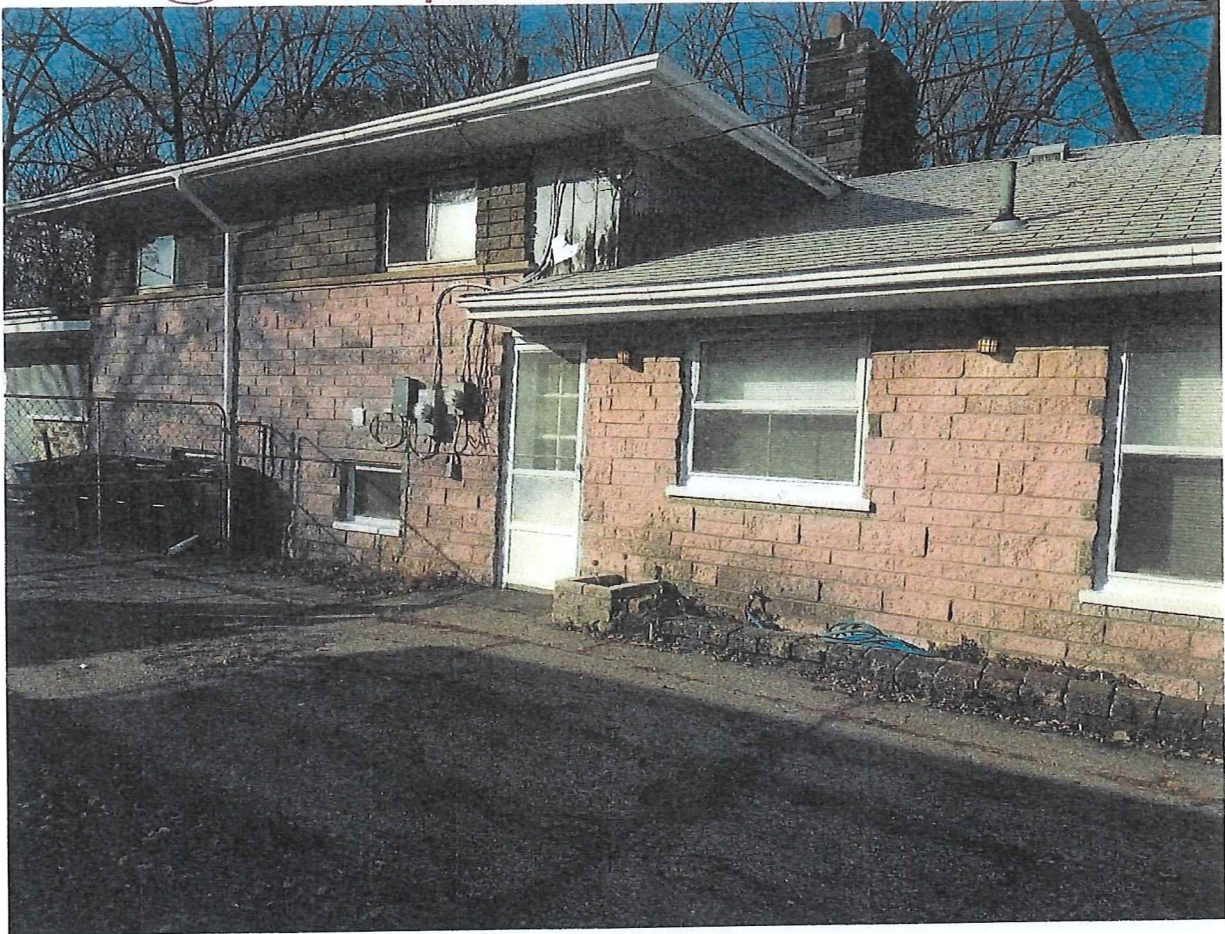
(1) 42



(1)

(2)

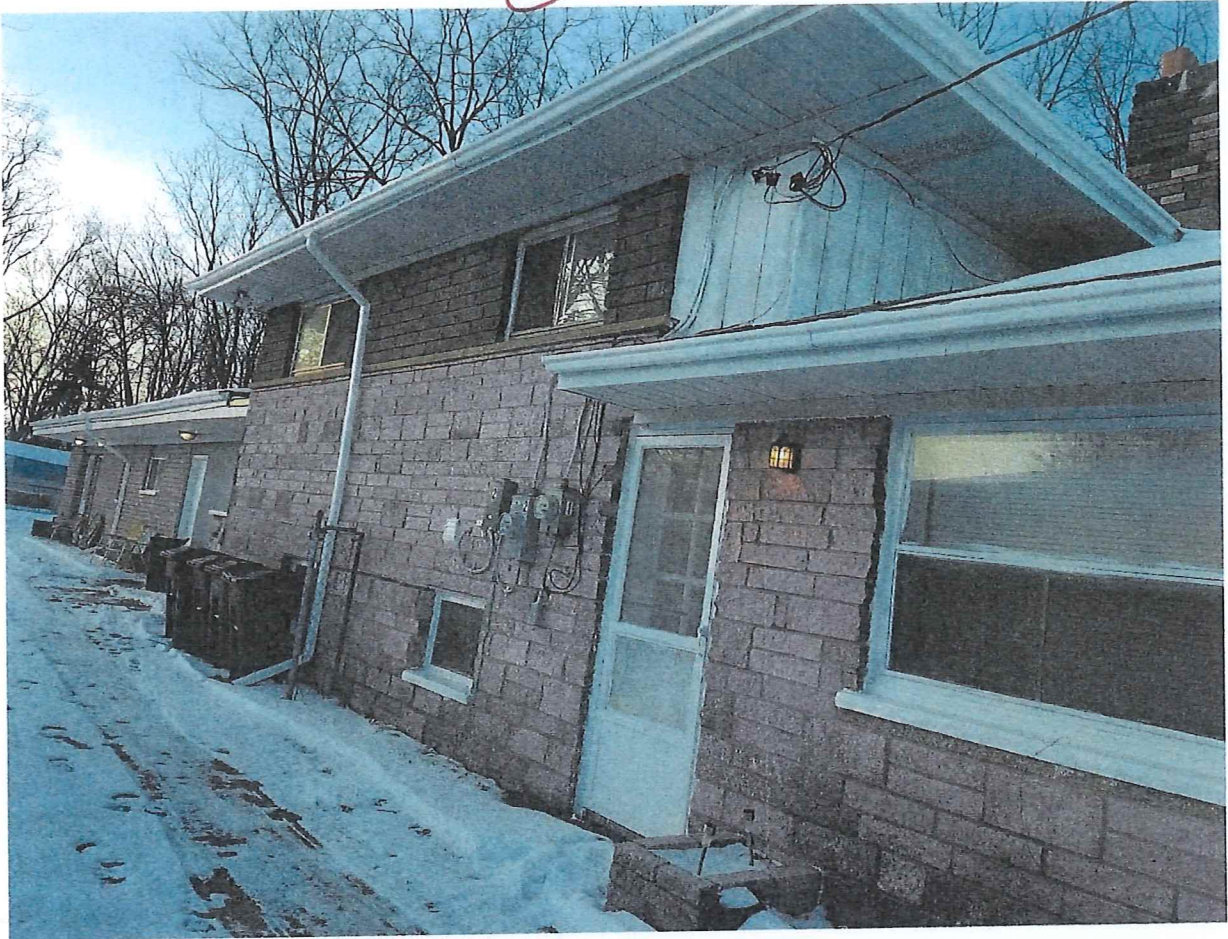
Front House upper Level & Side



(1)

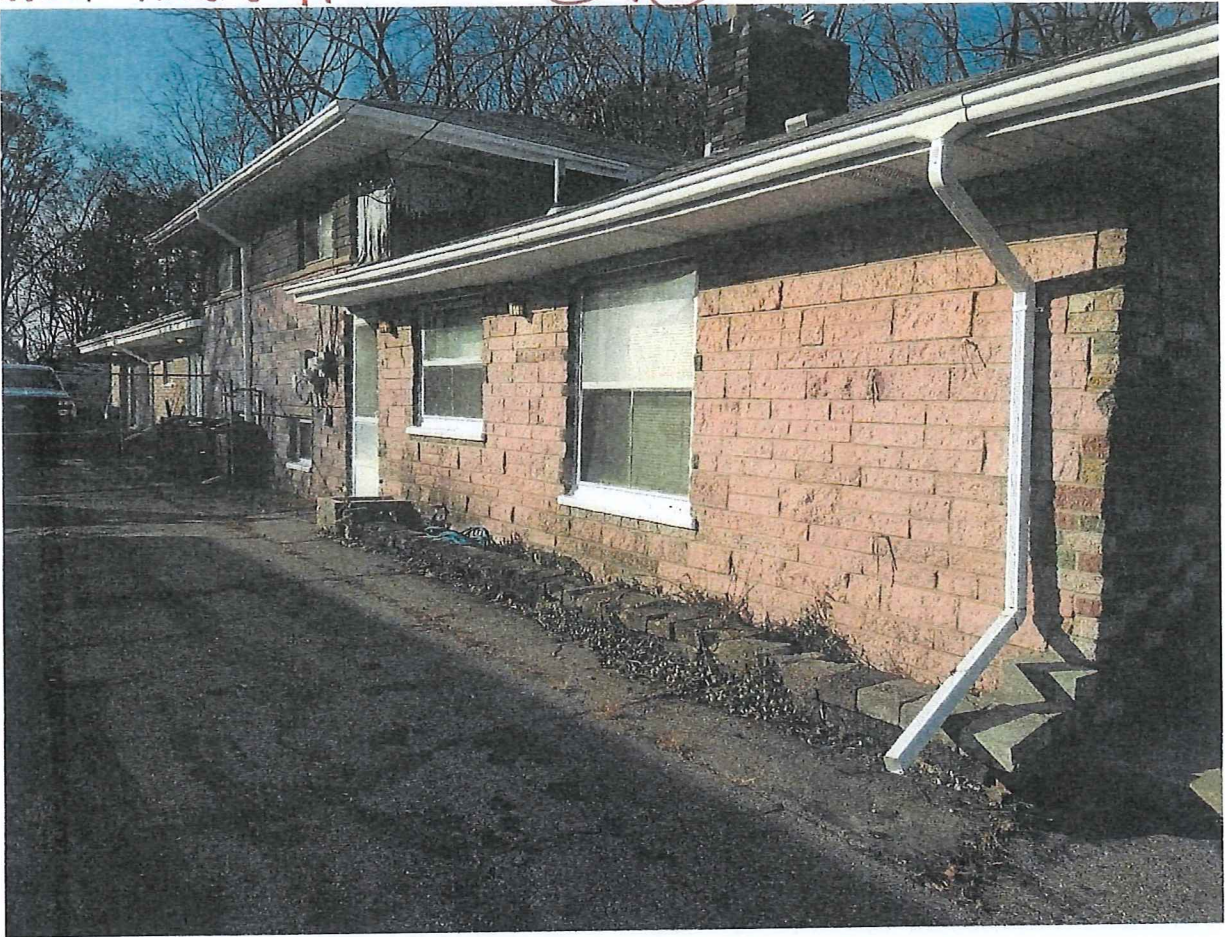
Front House main Level

2



1

Front House & upper Level ① & ② Side

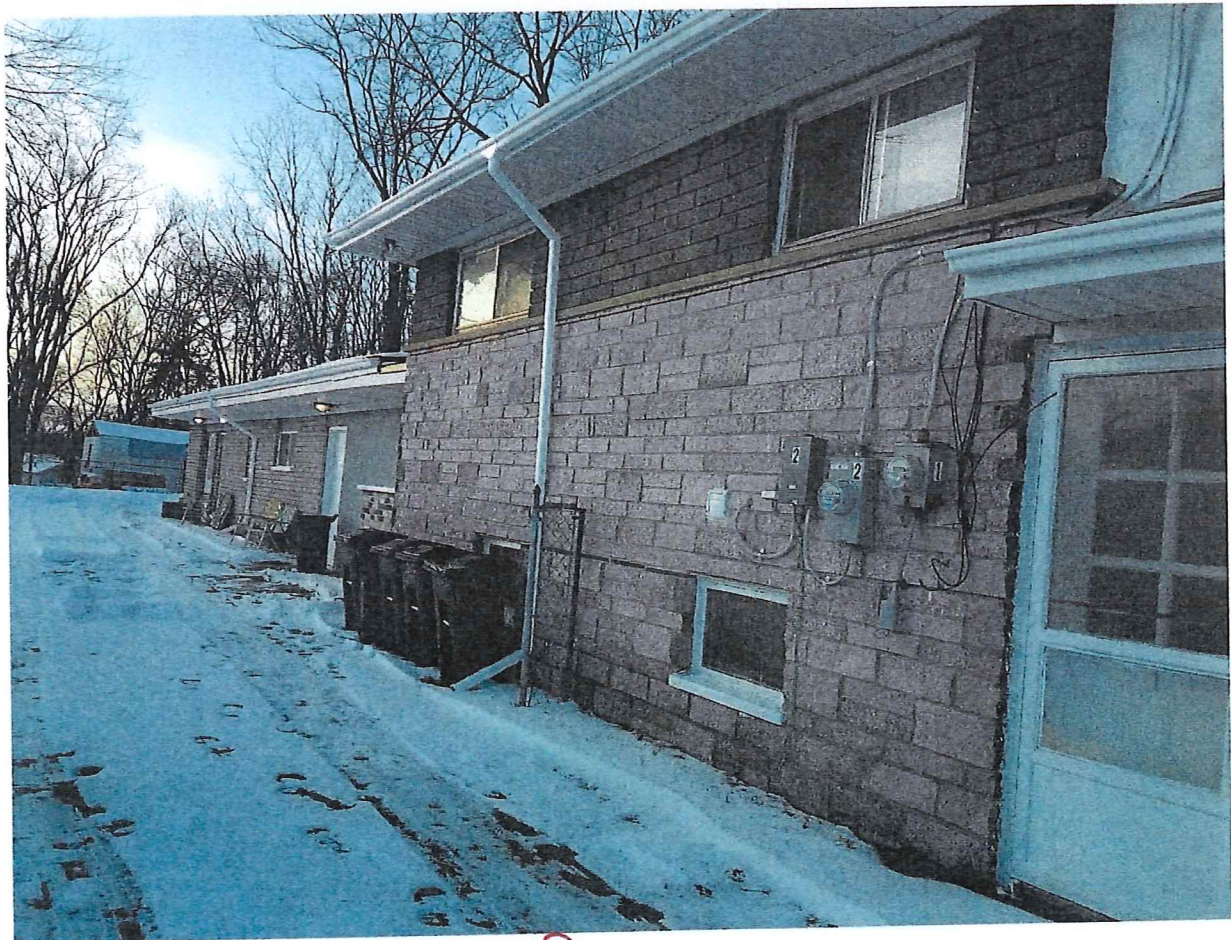


Front House side ①

(3)

3

(2)



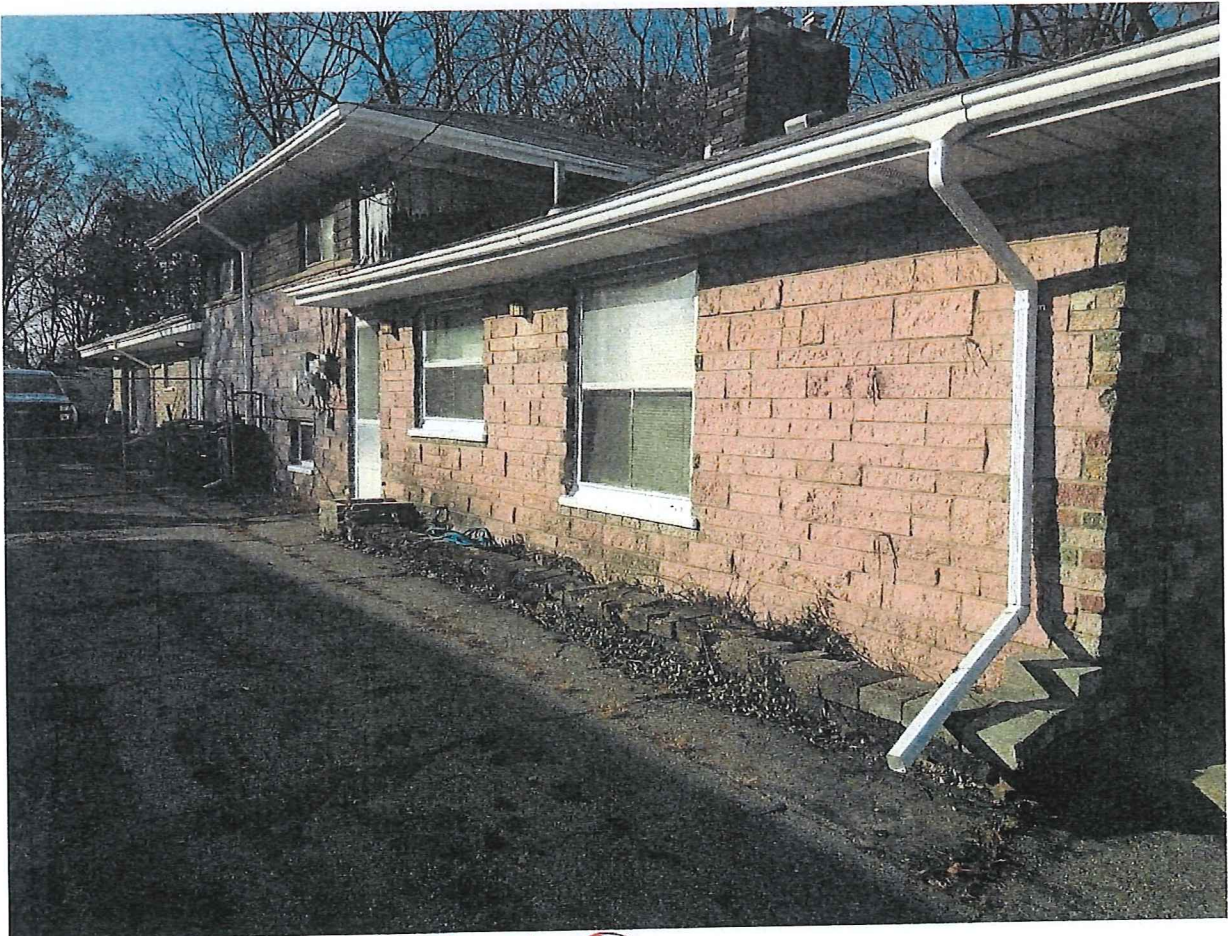
(3)

3

(2)

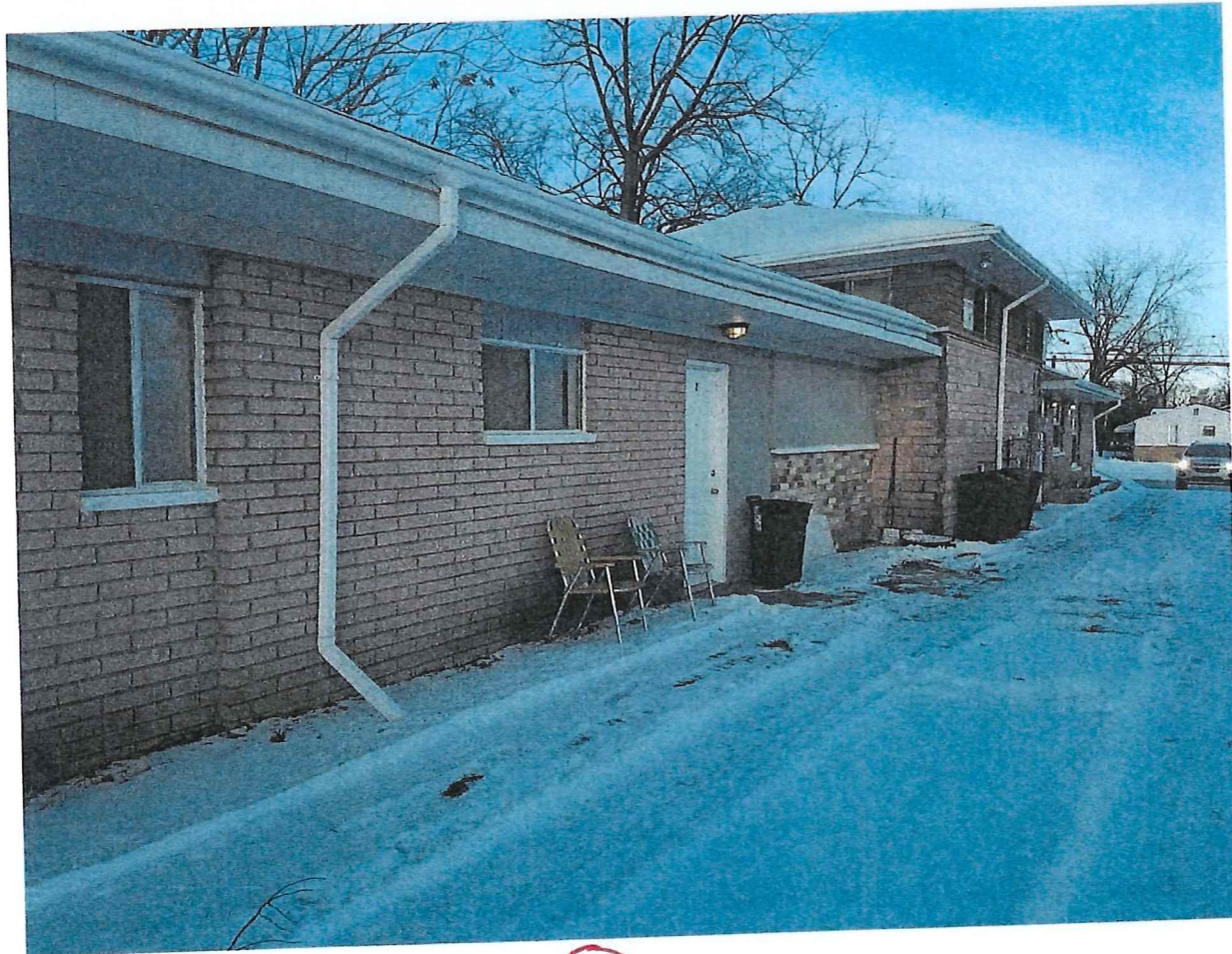
Front House Upper

② ‡ ③ and back unit side



① ‡ ②

③



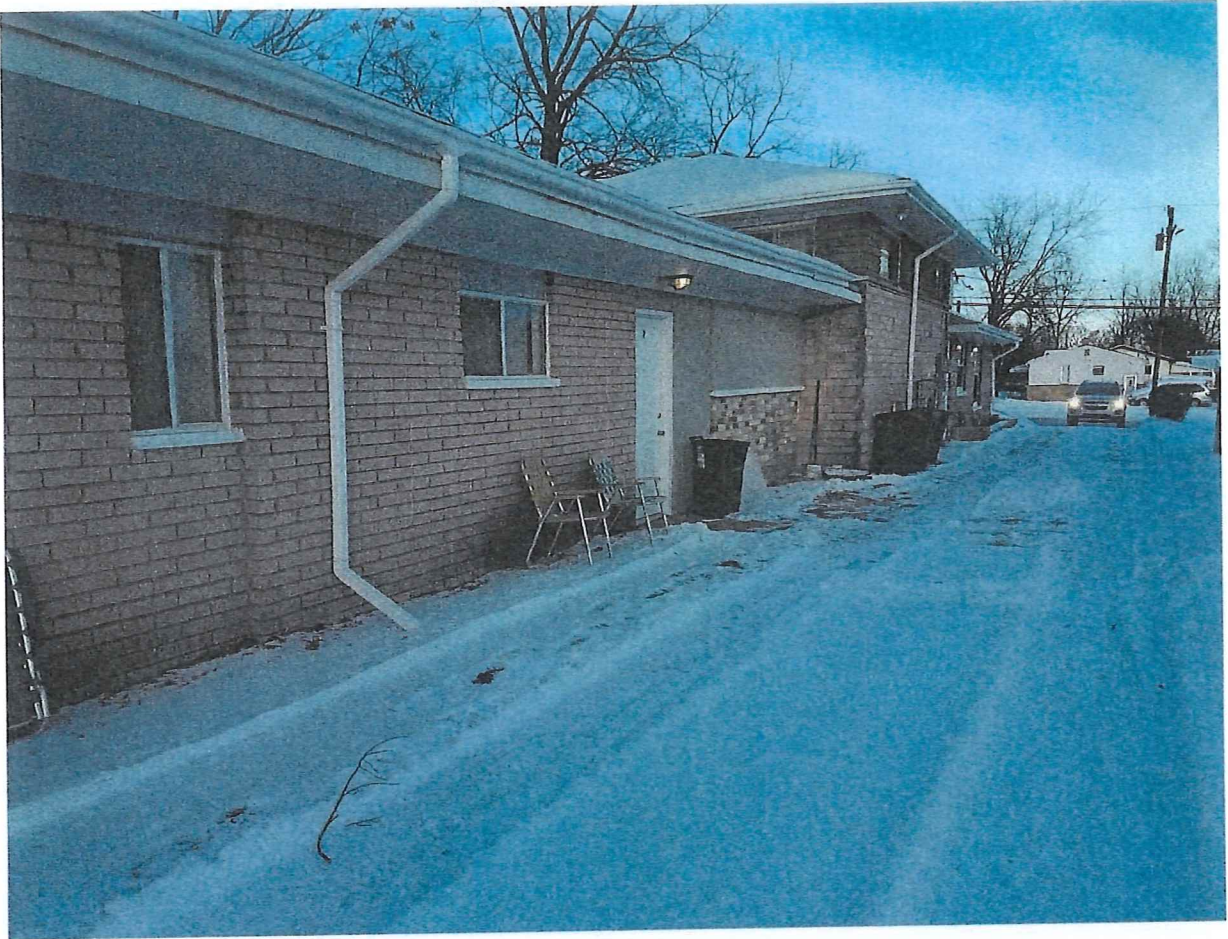
③

3



3

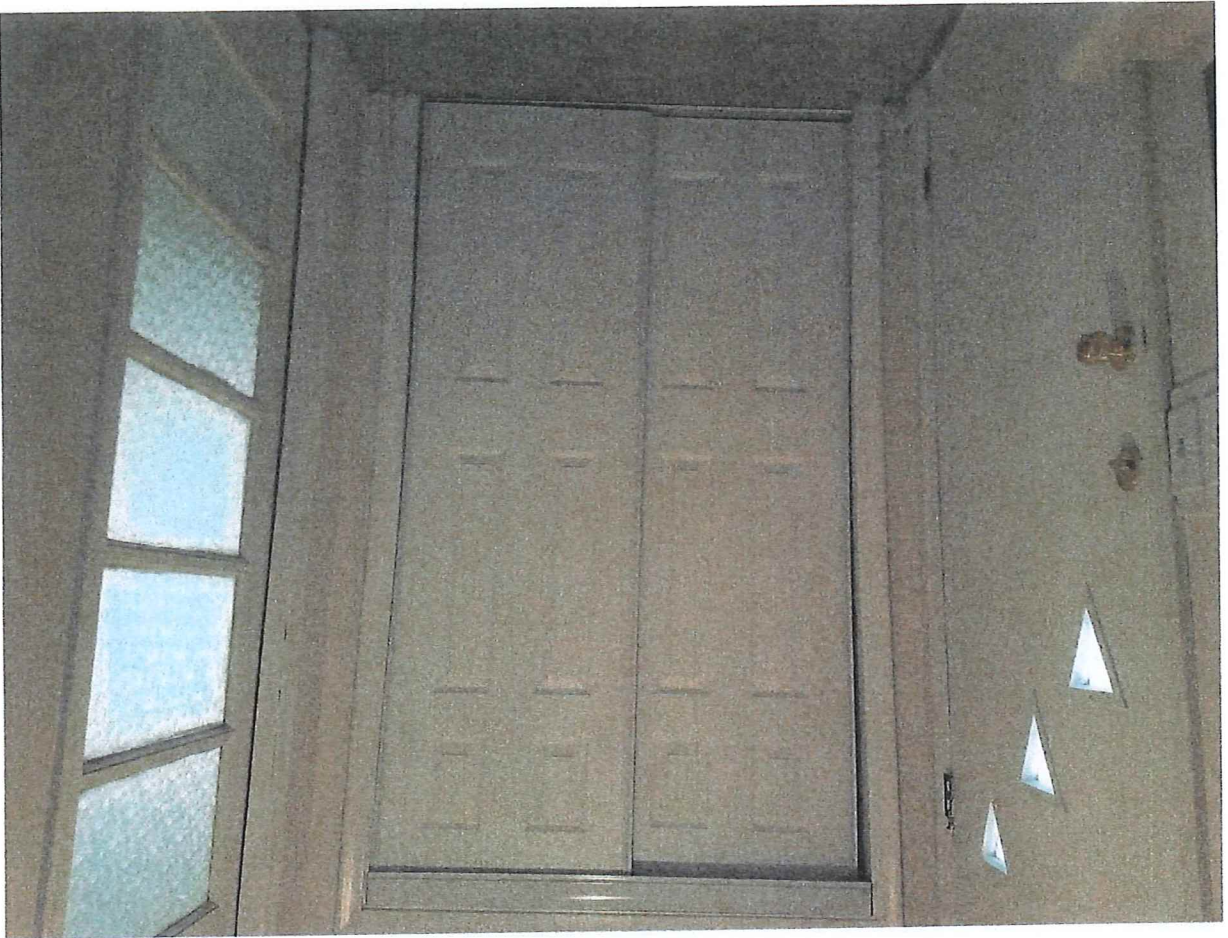
③



③

(32) Parking Area





Front House
Entrance

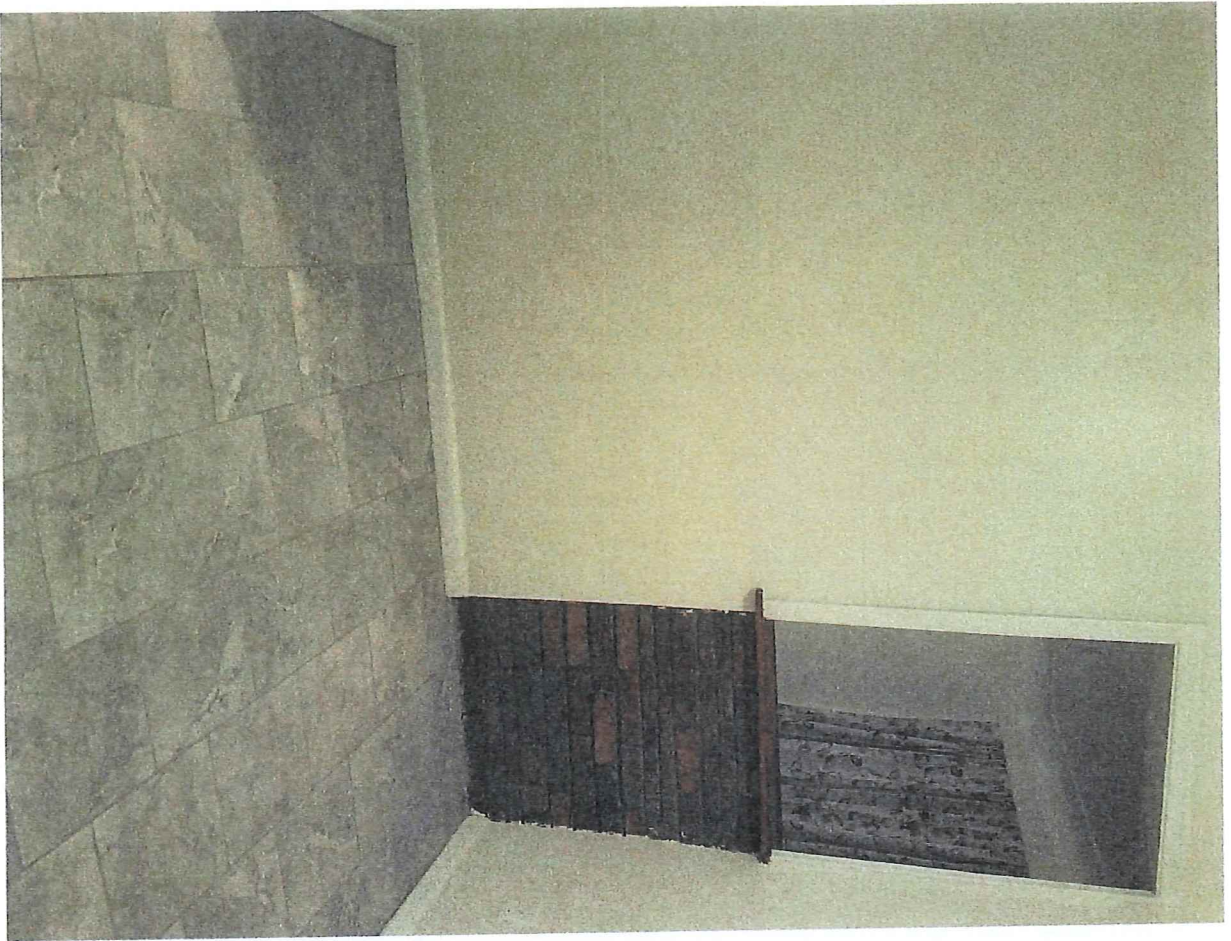
④ Mudroom & Closet



④ Front House Door

Front House

⑤ Dining Room



⑥



Front House (7) Kitchen

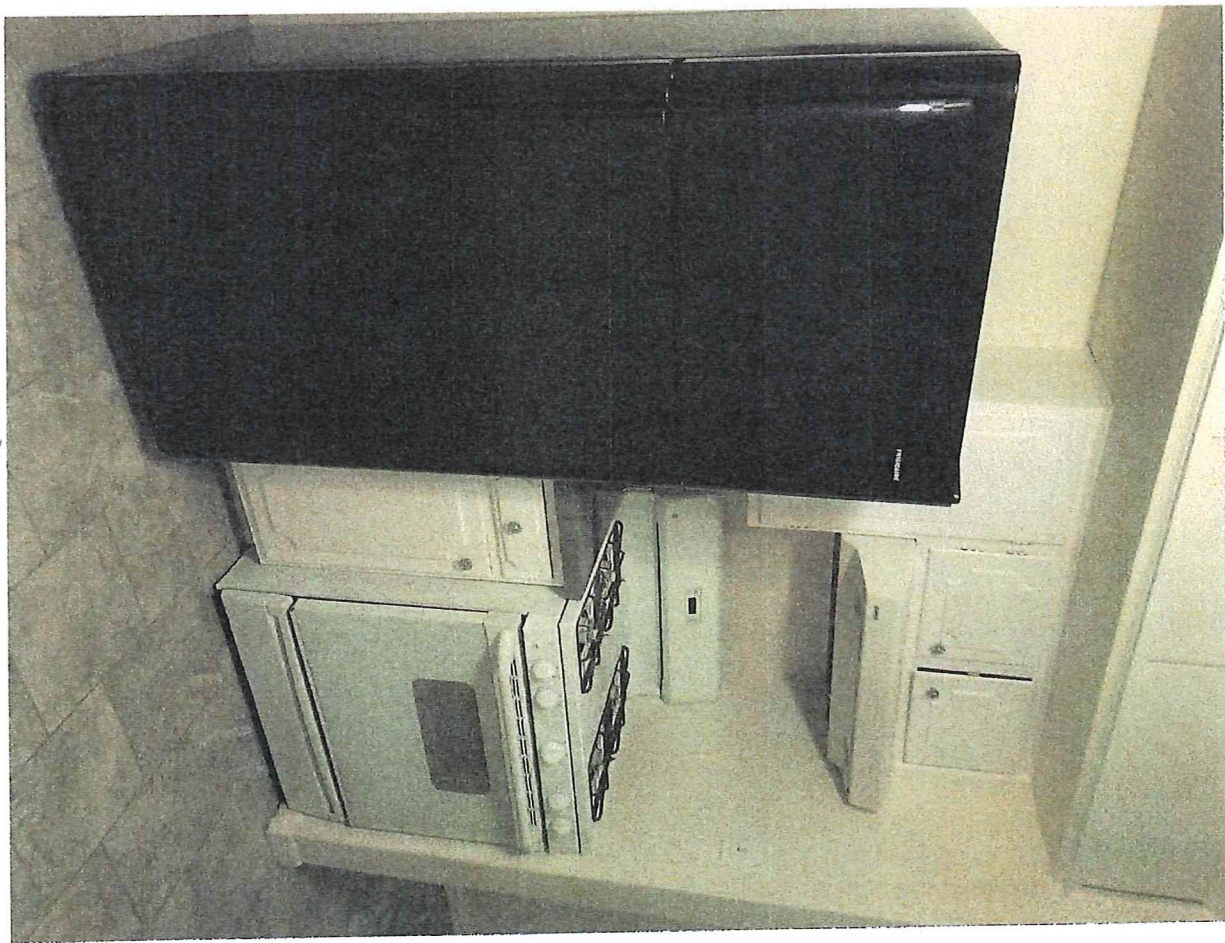


Front House Kitchen

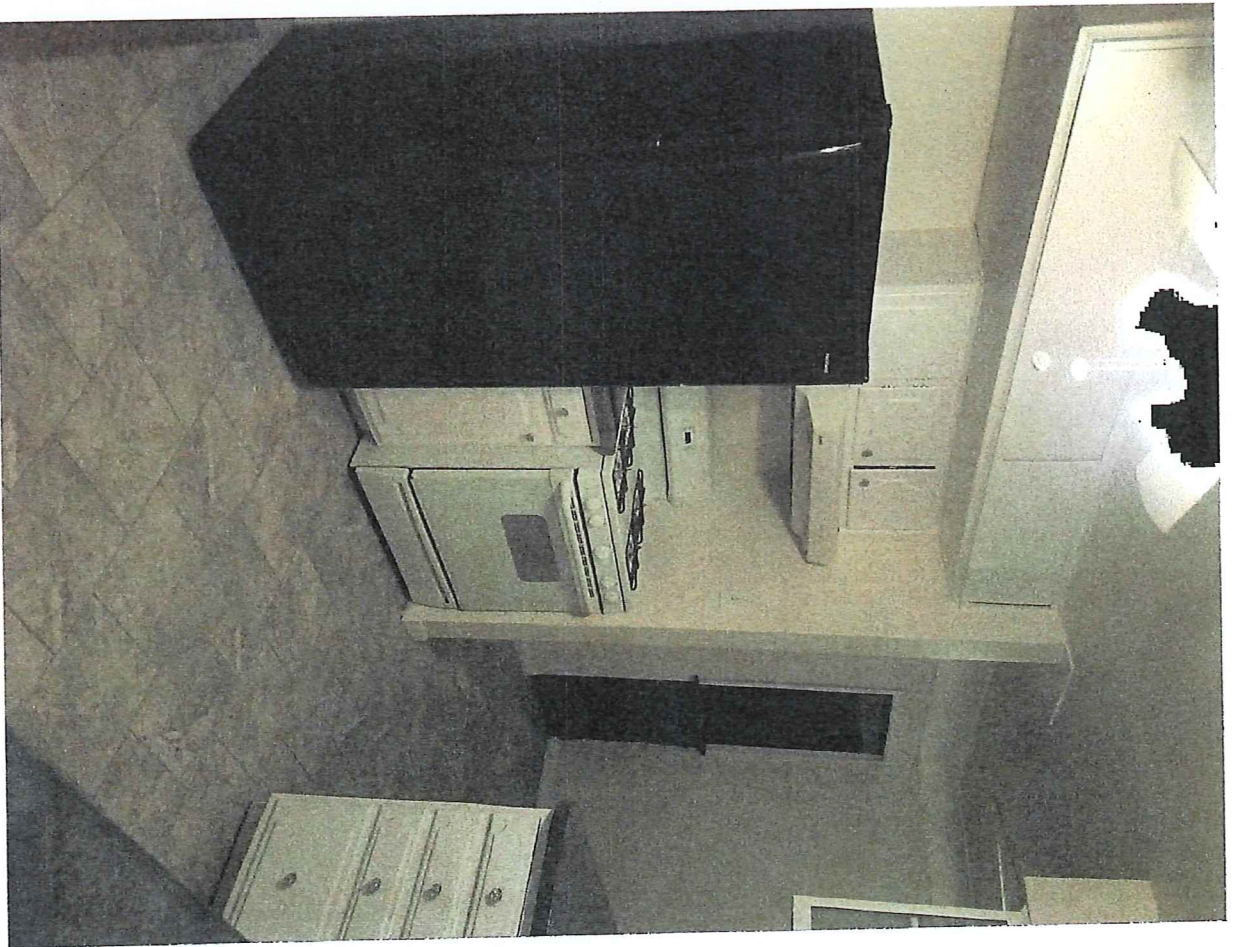
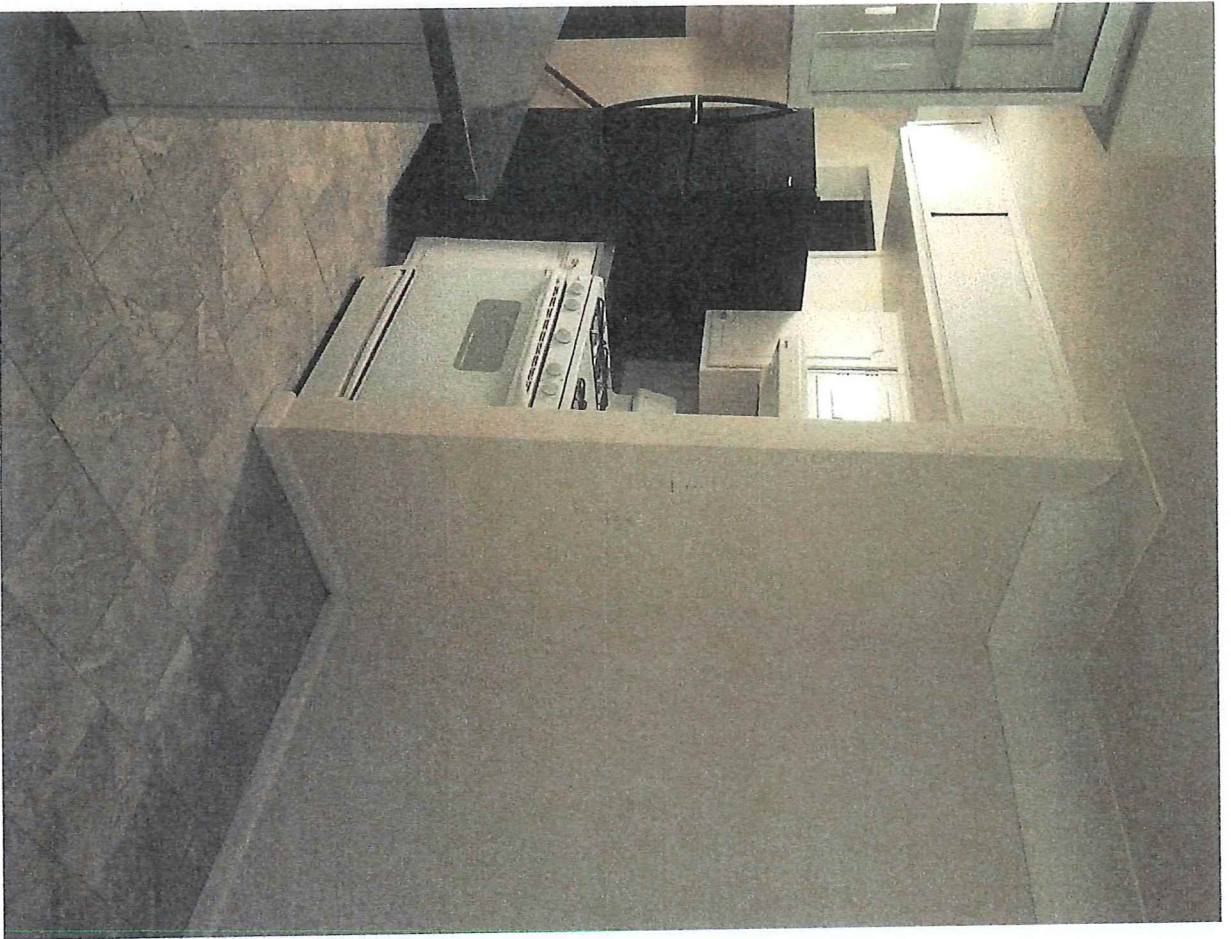




Front House (7) kitchen



(7)



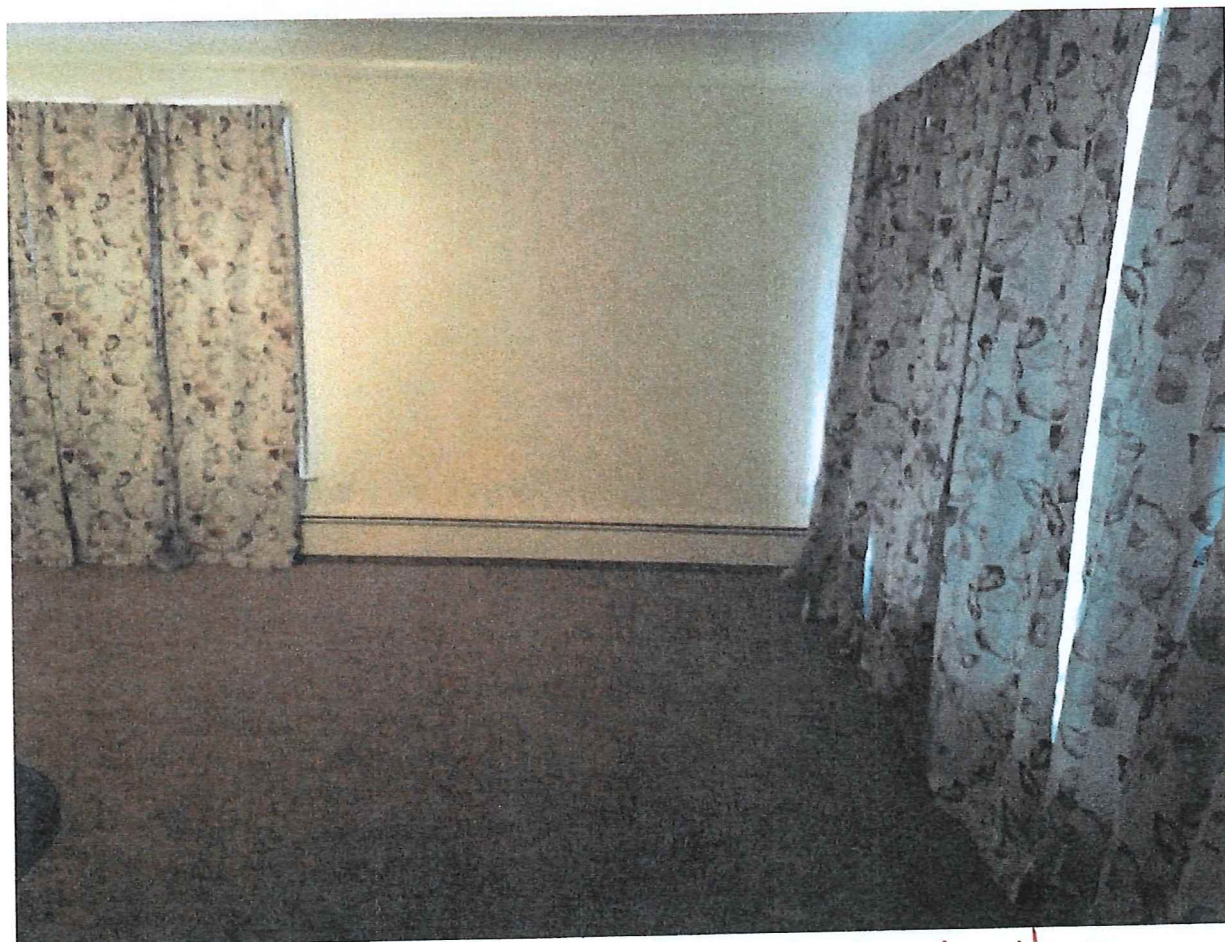
7

+

6

Front house kitchen

7

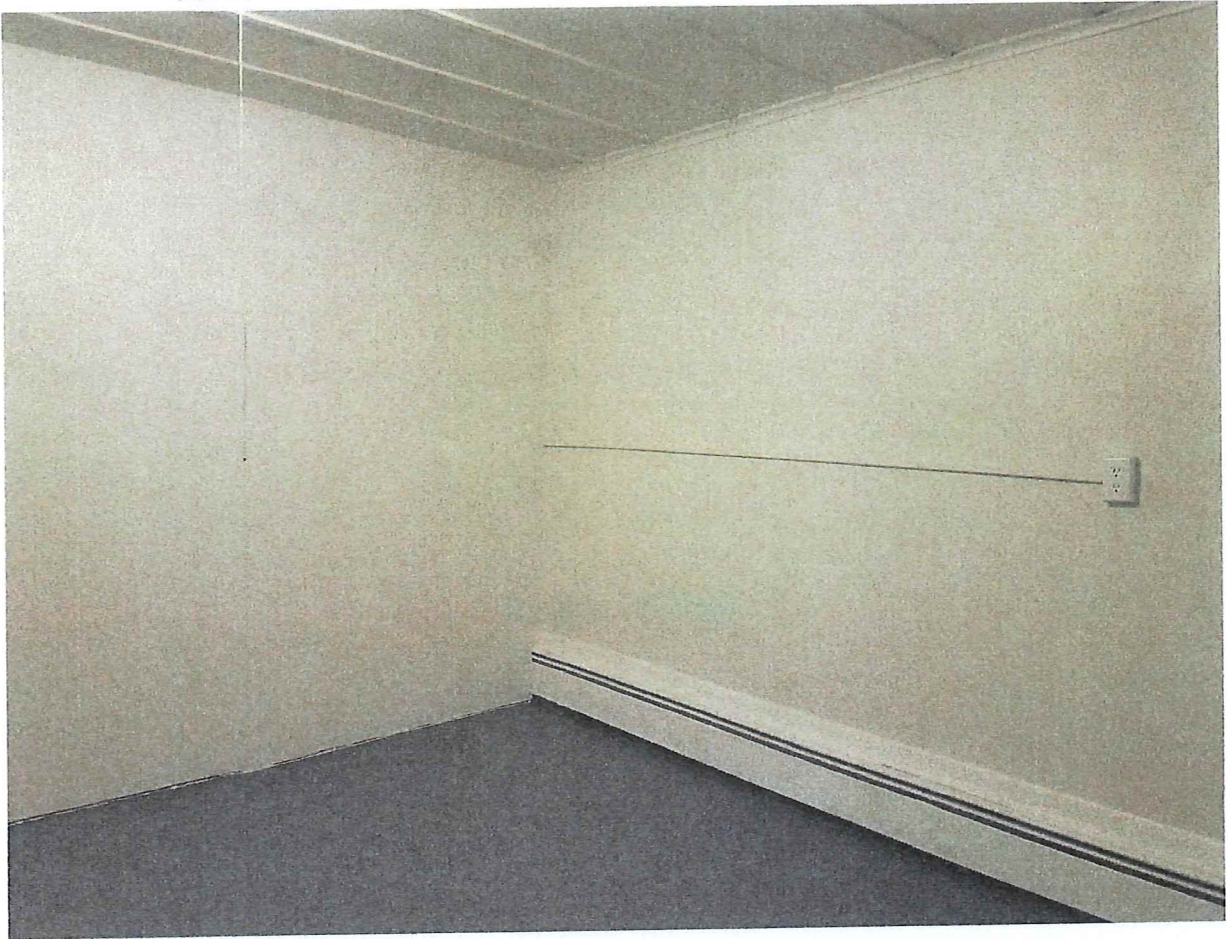


⑧ Living Room - Front House

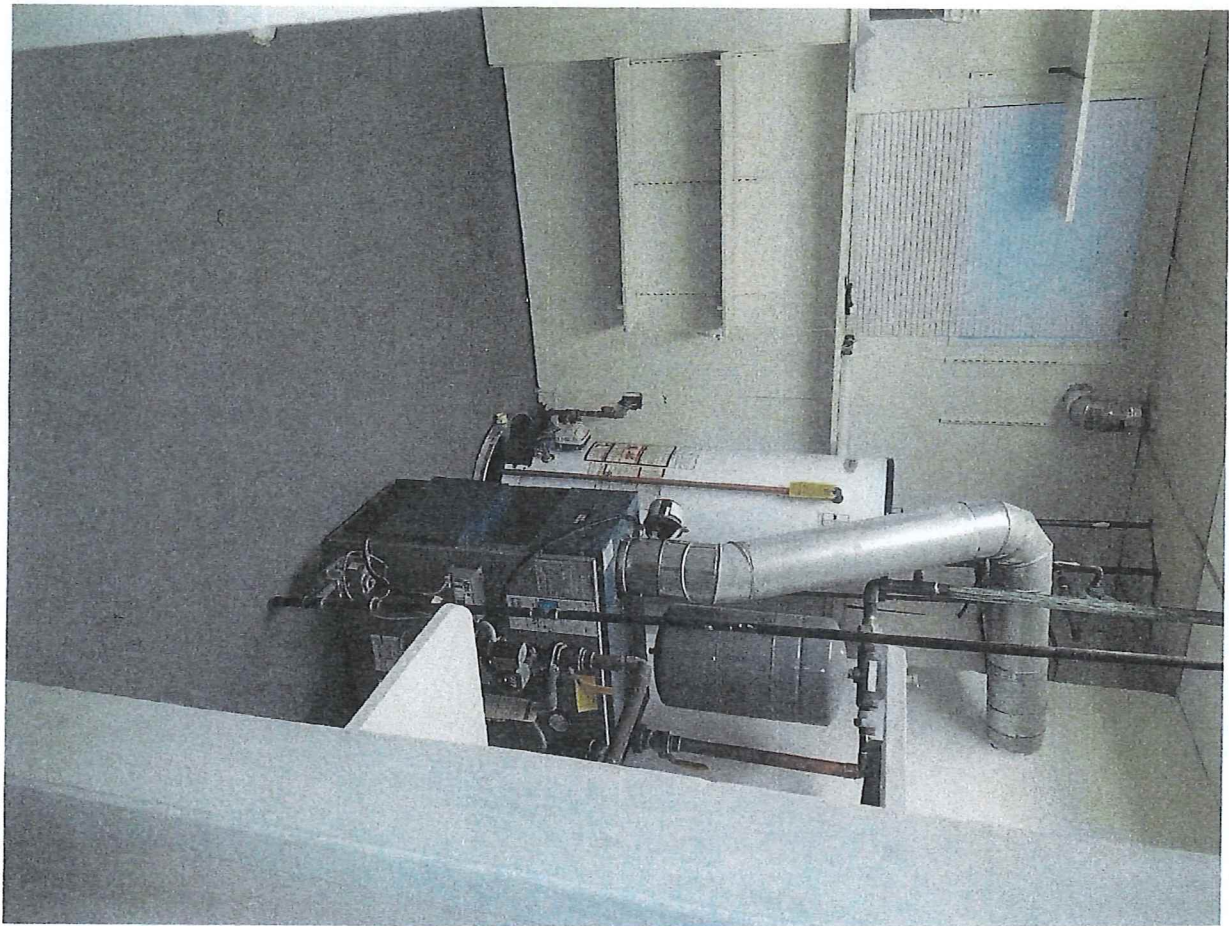
Front House Fireplace (8)



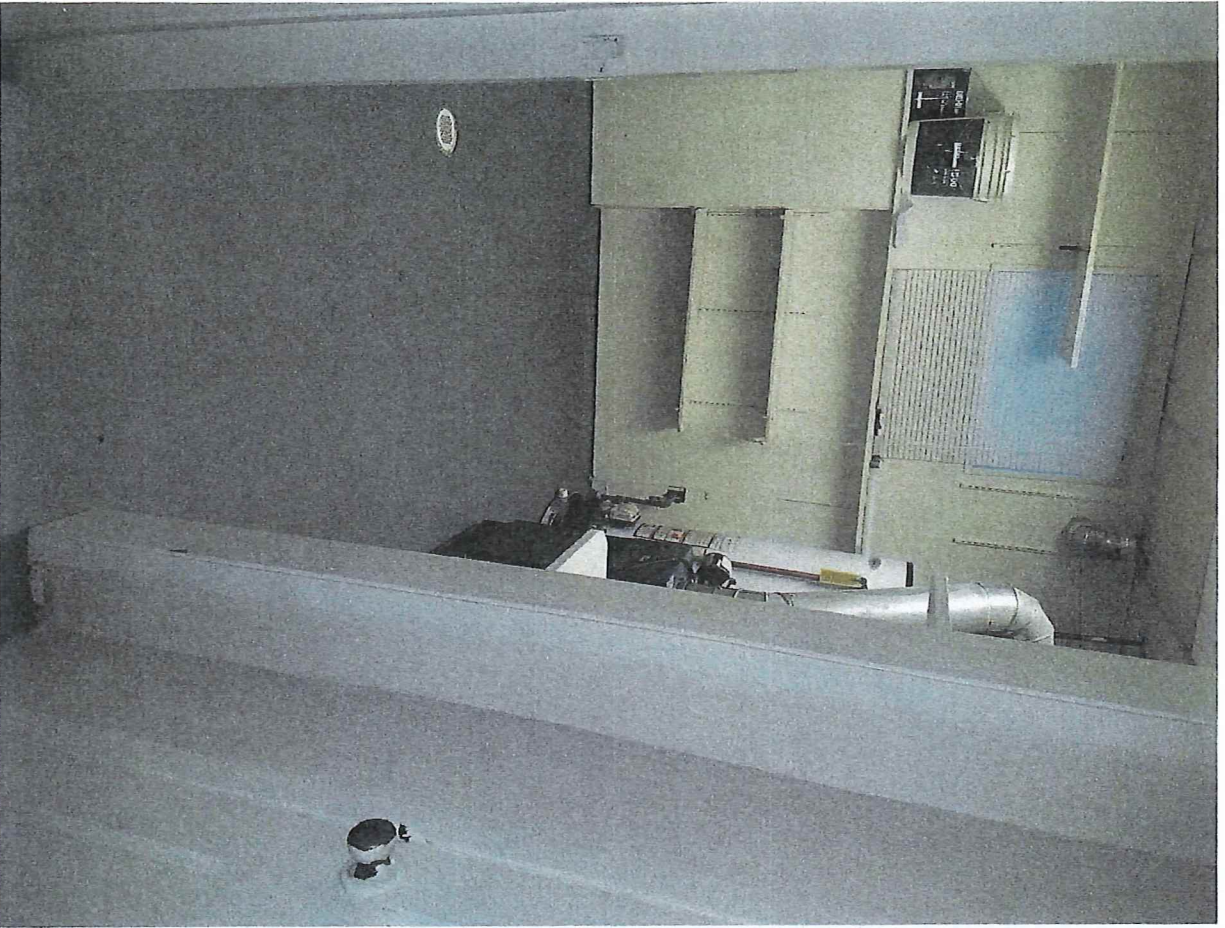
Room in Basement - Front House (10)



Stairs to Basement/Lower Level front house (9)



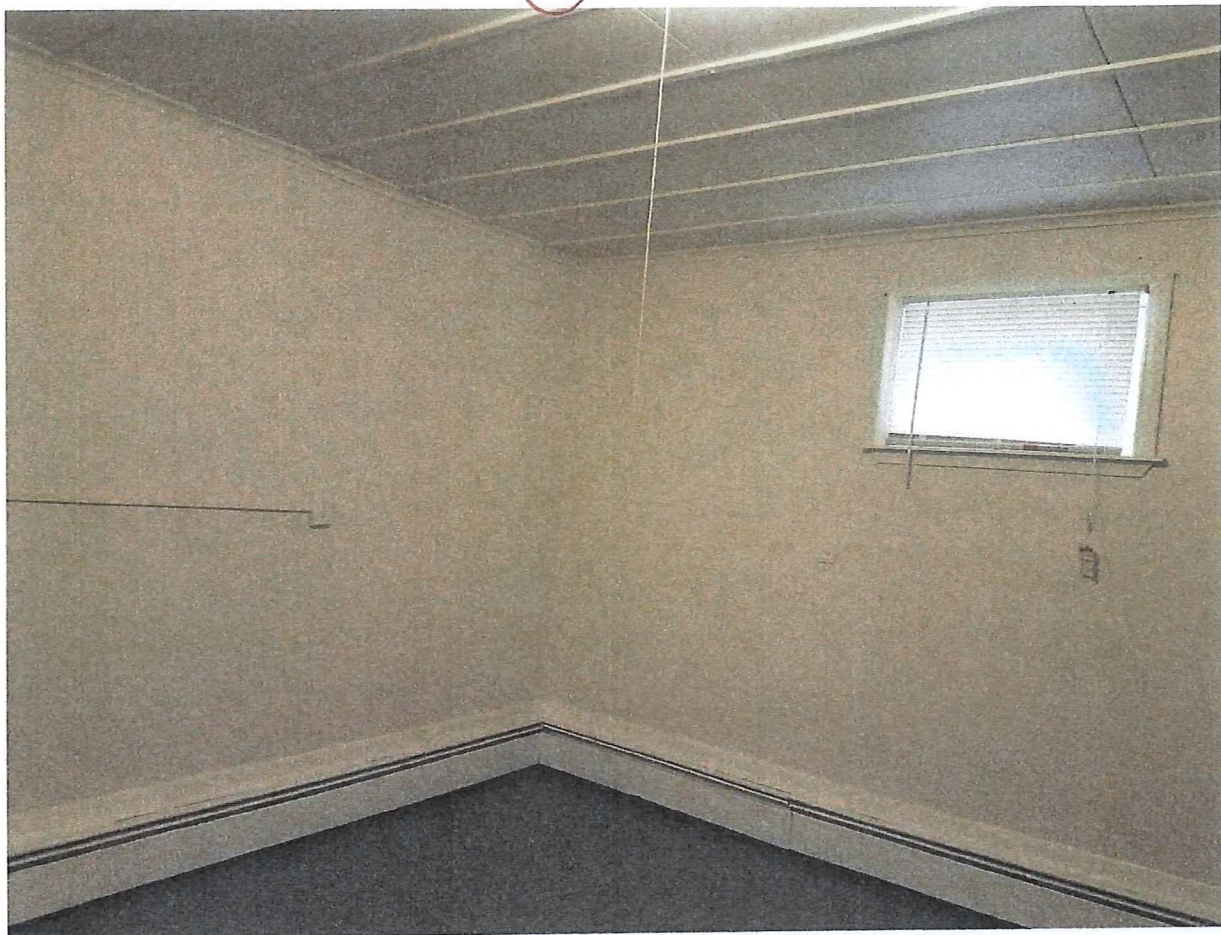
34



34



(10) Room - Front House



(11) Front House

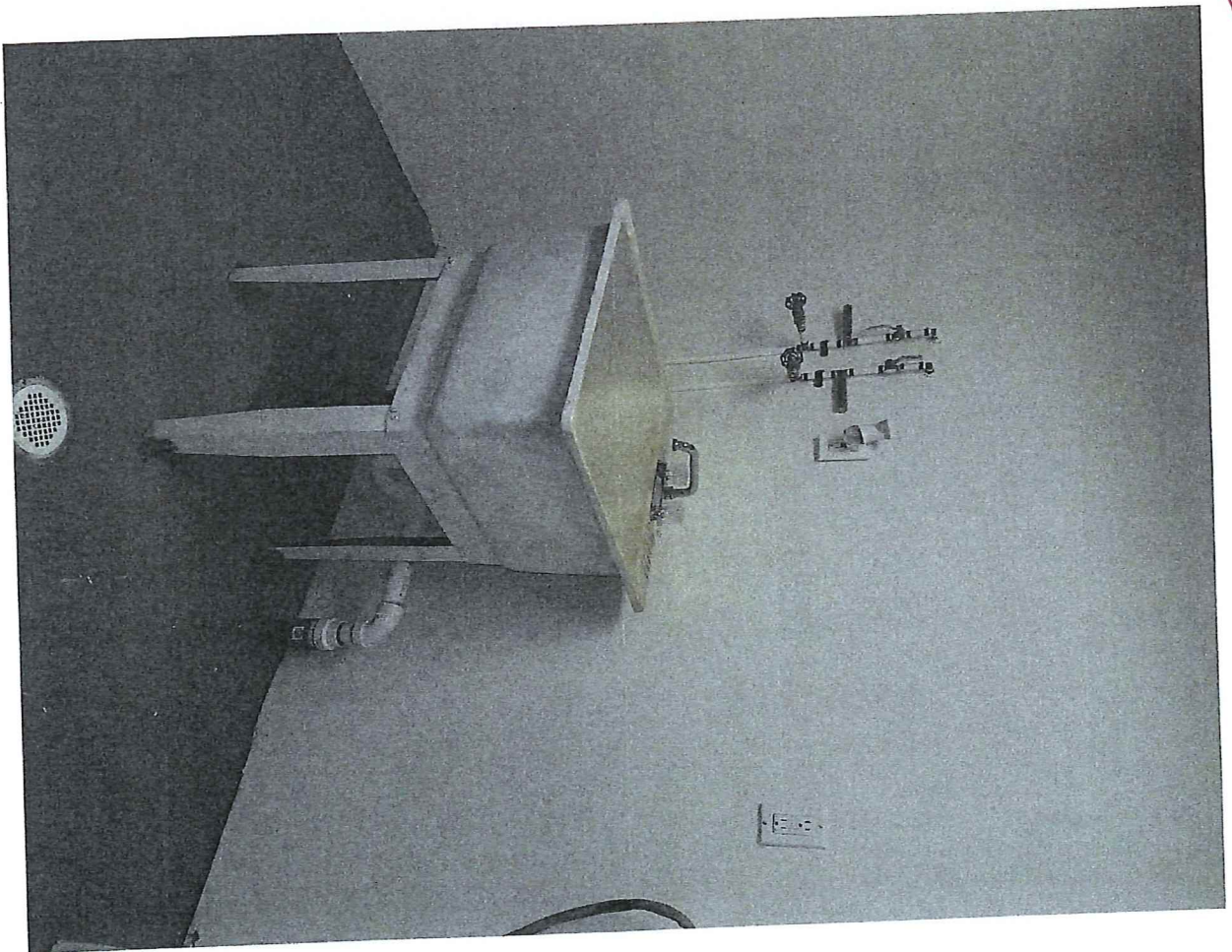
(12) Bathroom - Lower Level - Front House





34





34

13

Stairs to Upstairs



15 Walk up closet



16 Hall closet

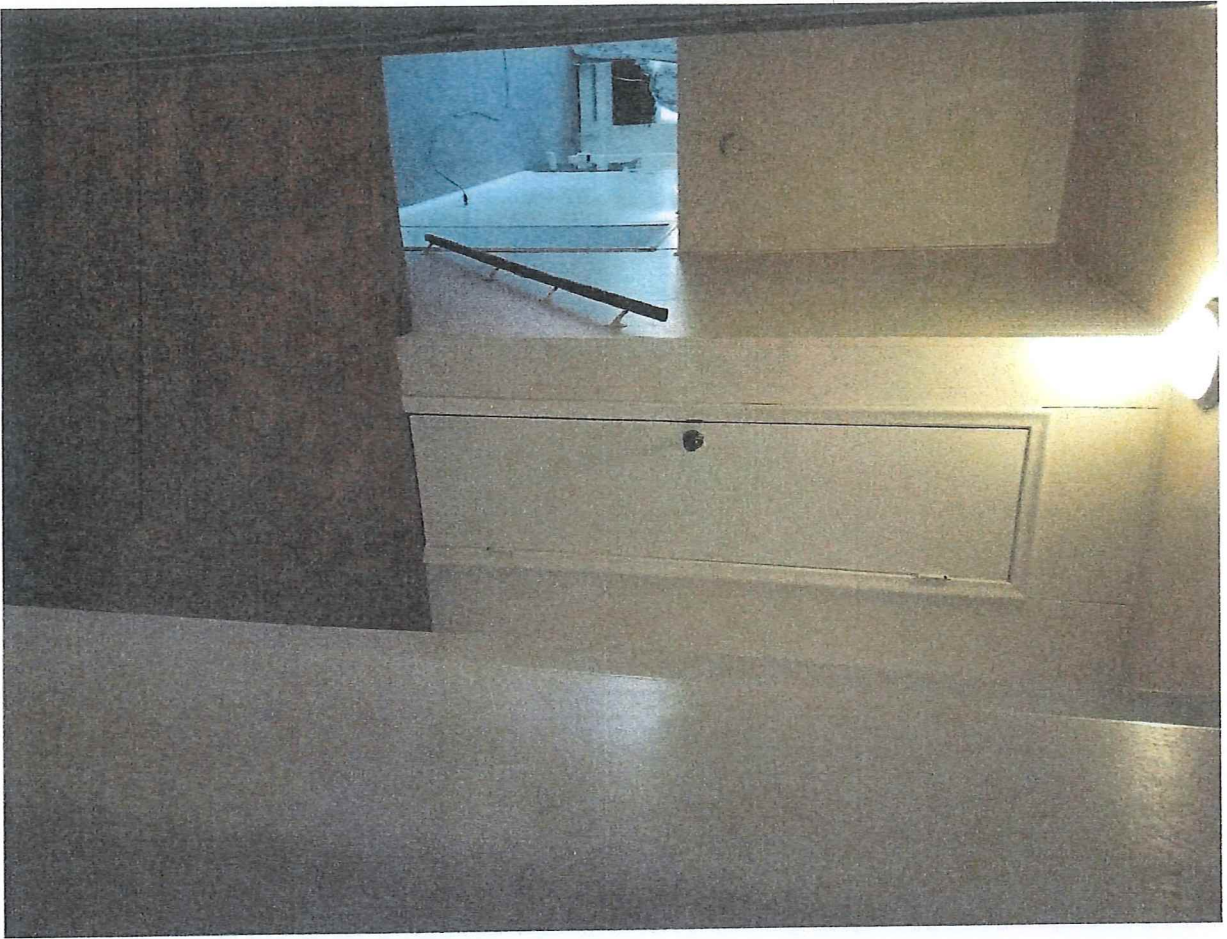


14 Hallway Upstairs

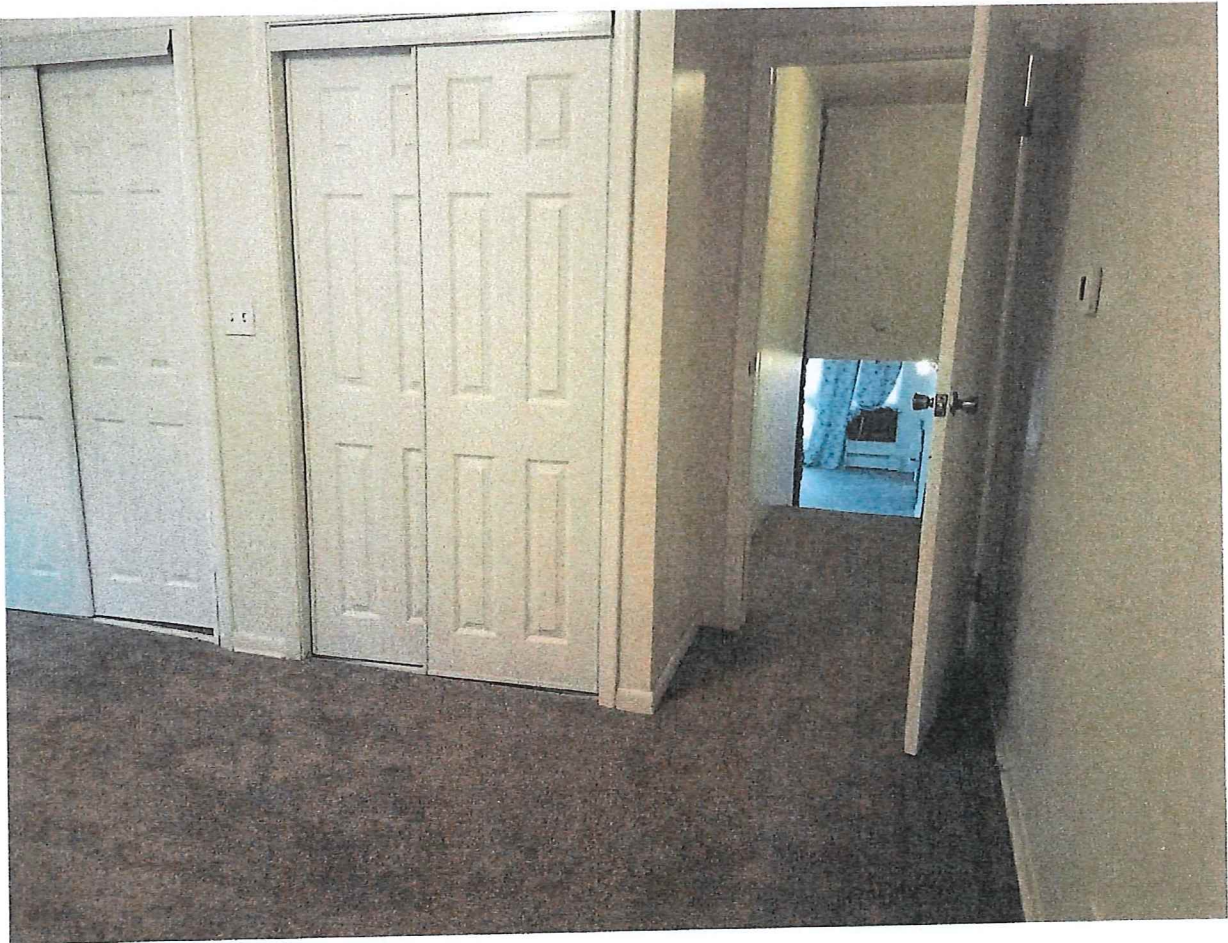


15 Closet





14 Hallway Upper Level

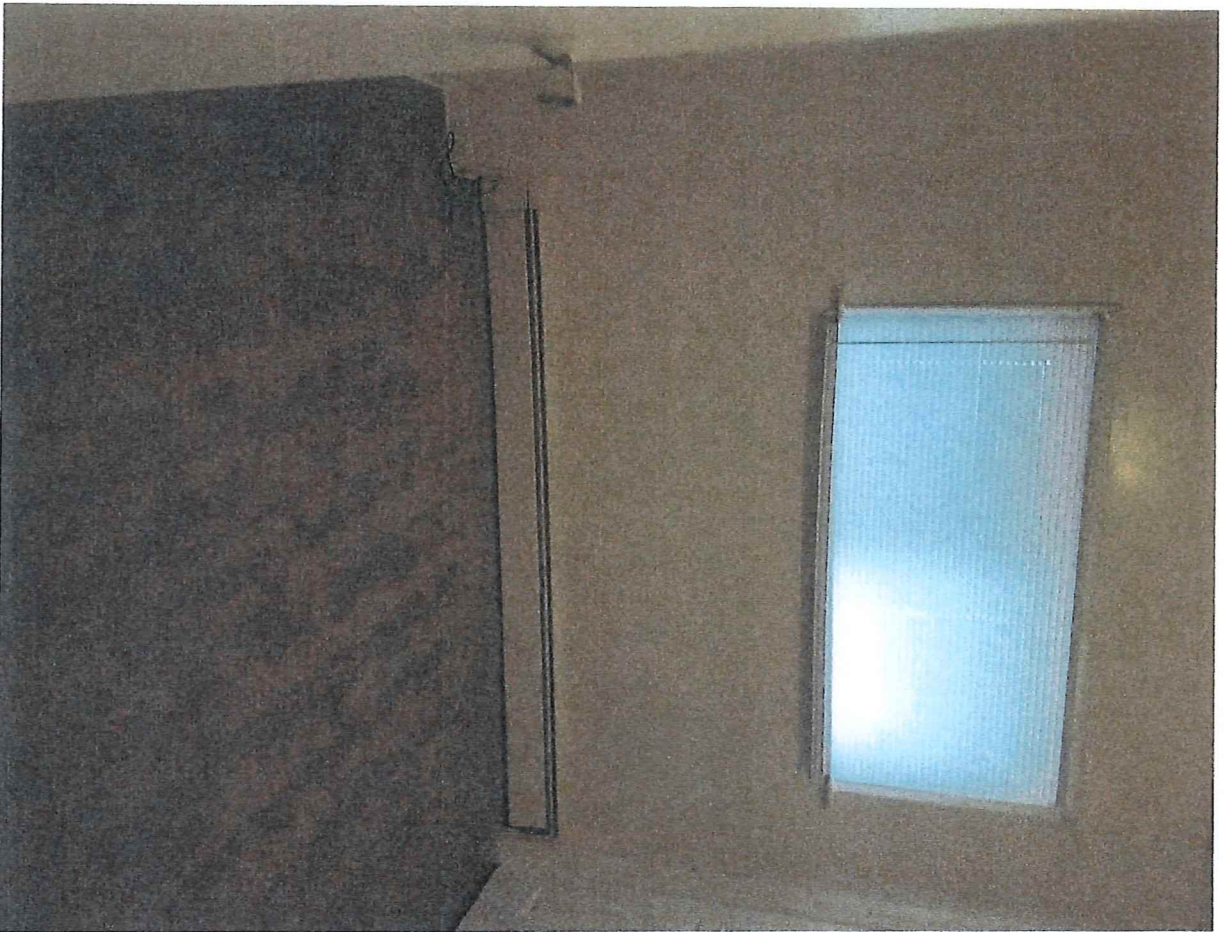


18 Bedroom 2

17

Bedroom

1



17



17

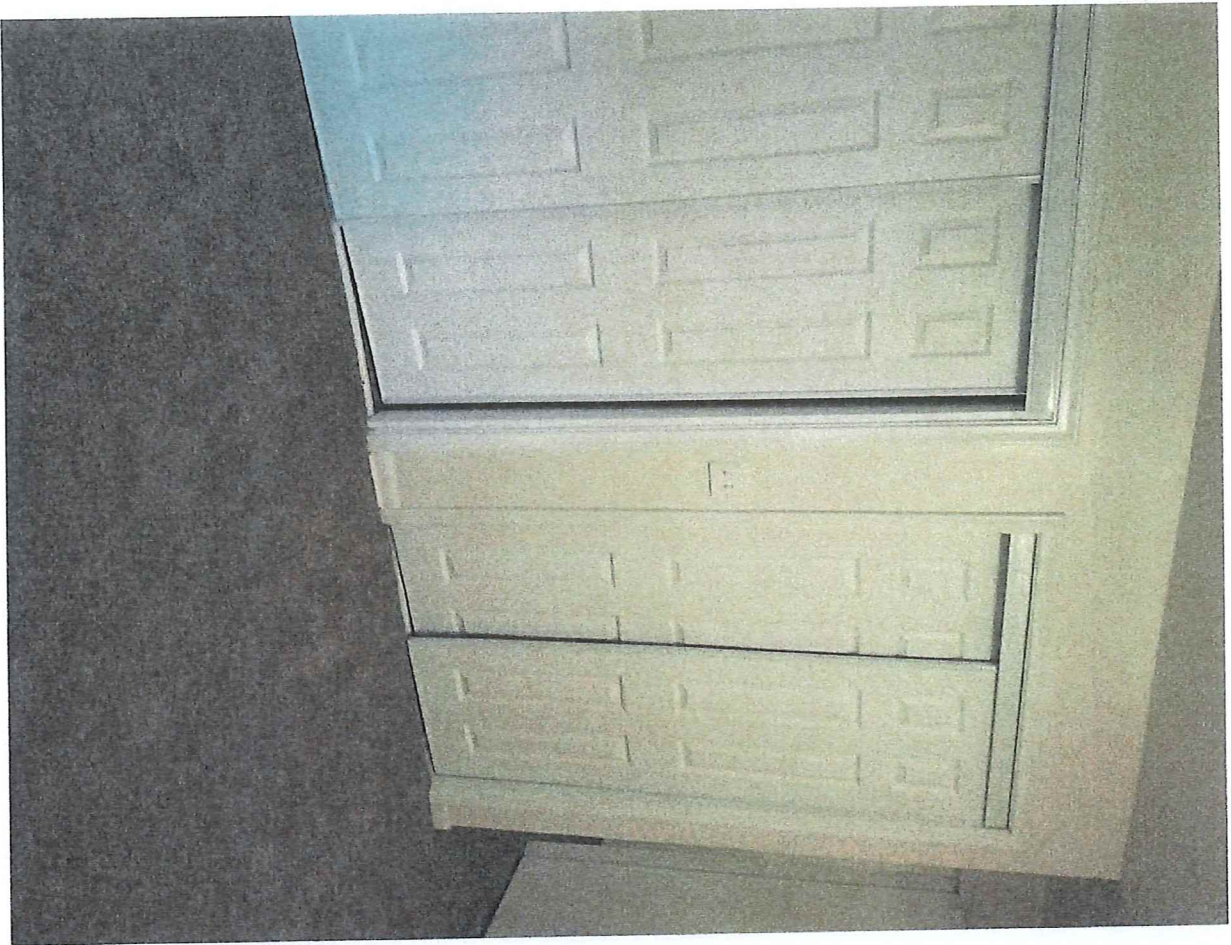
Bedroom



17

Bedroom





18

Bedroom

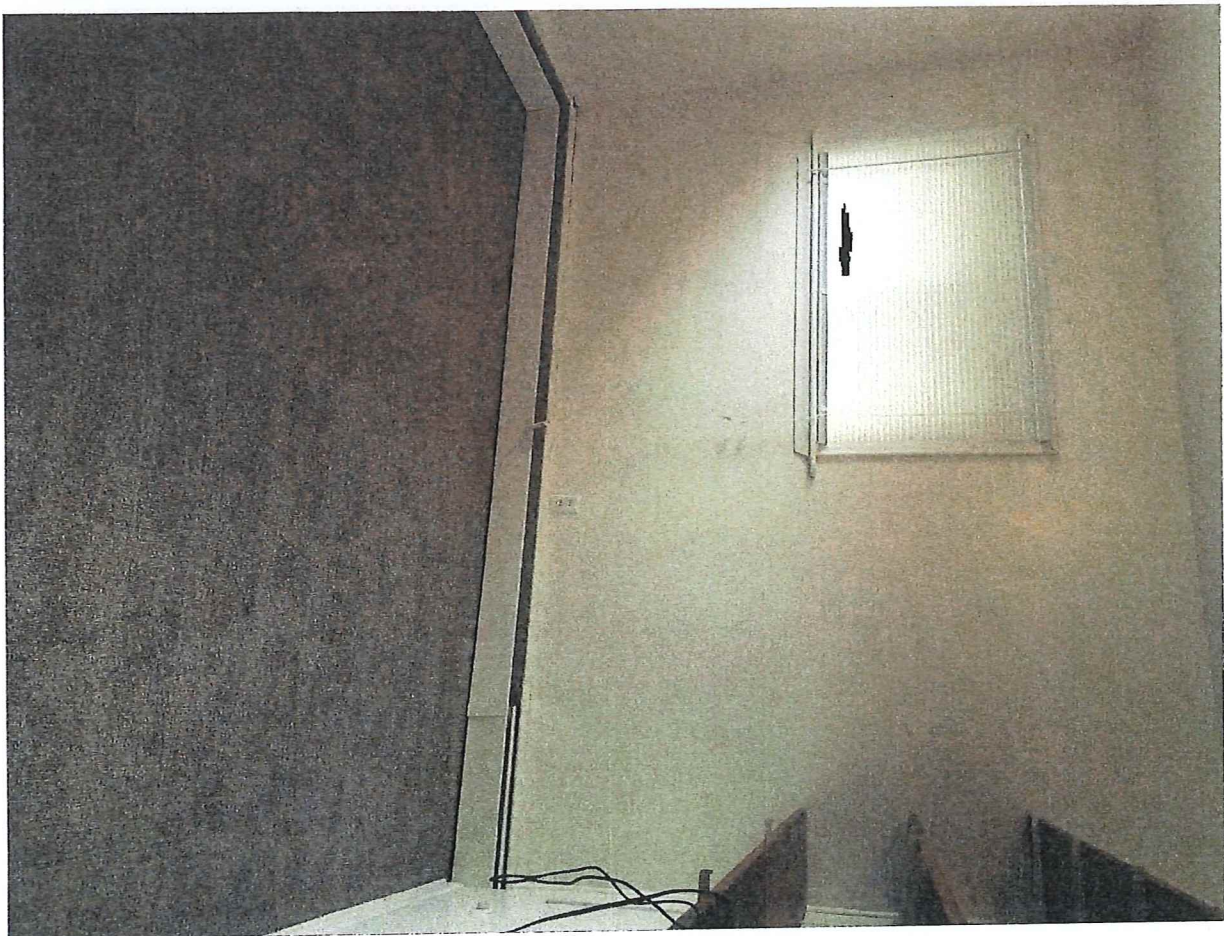


18 Bedroom



(19)

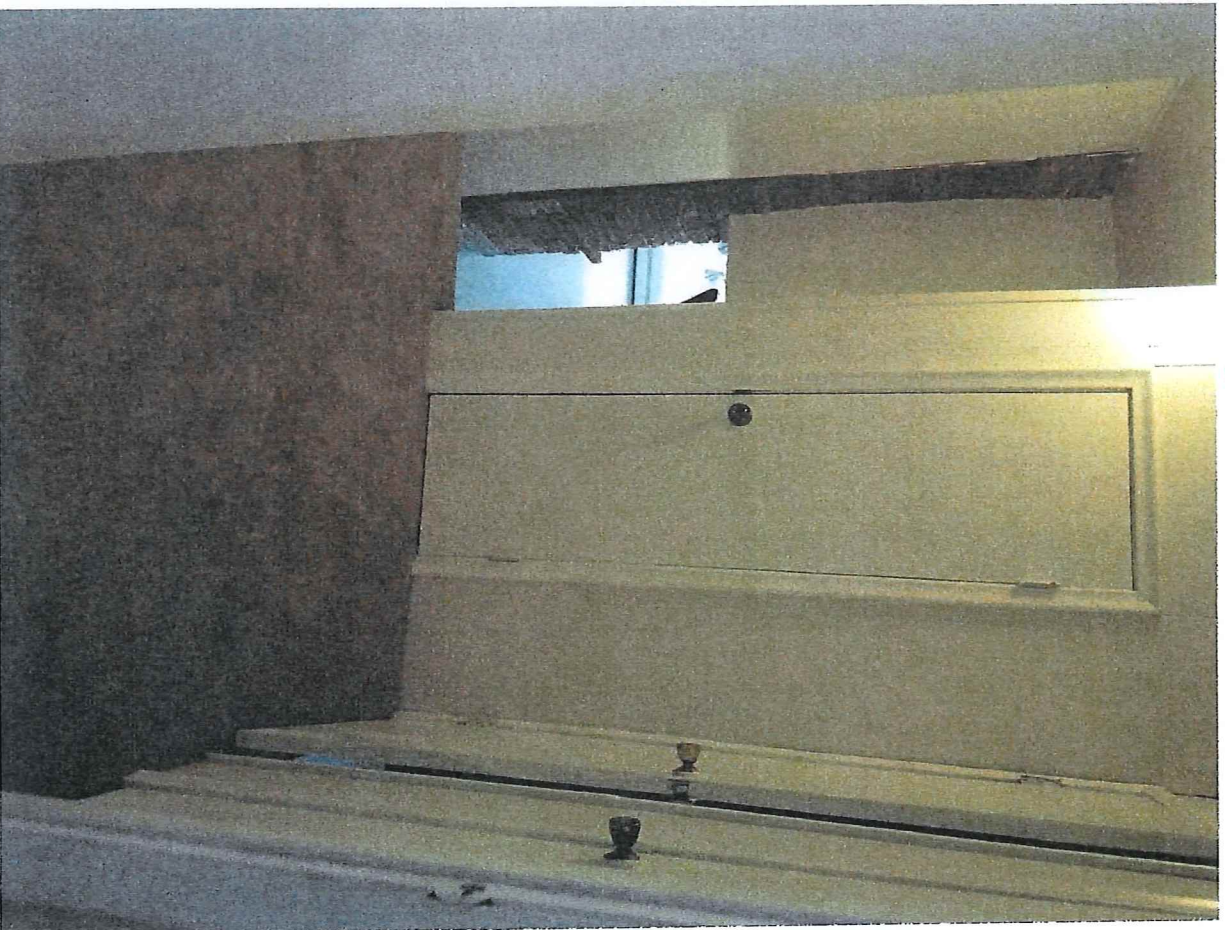
Bedroom



20 Bathroom



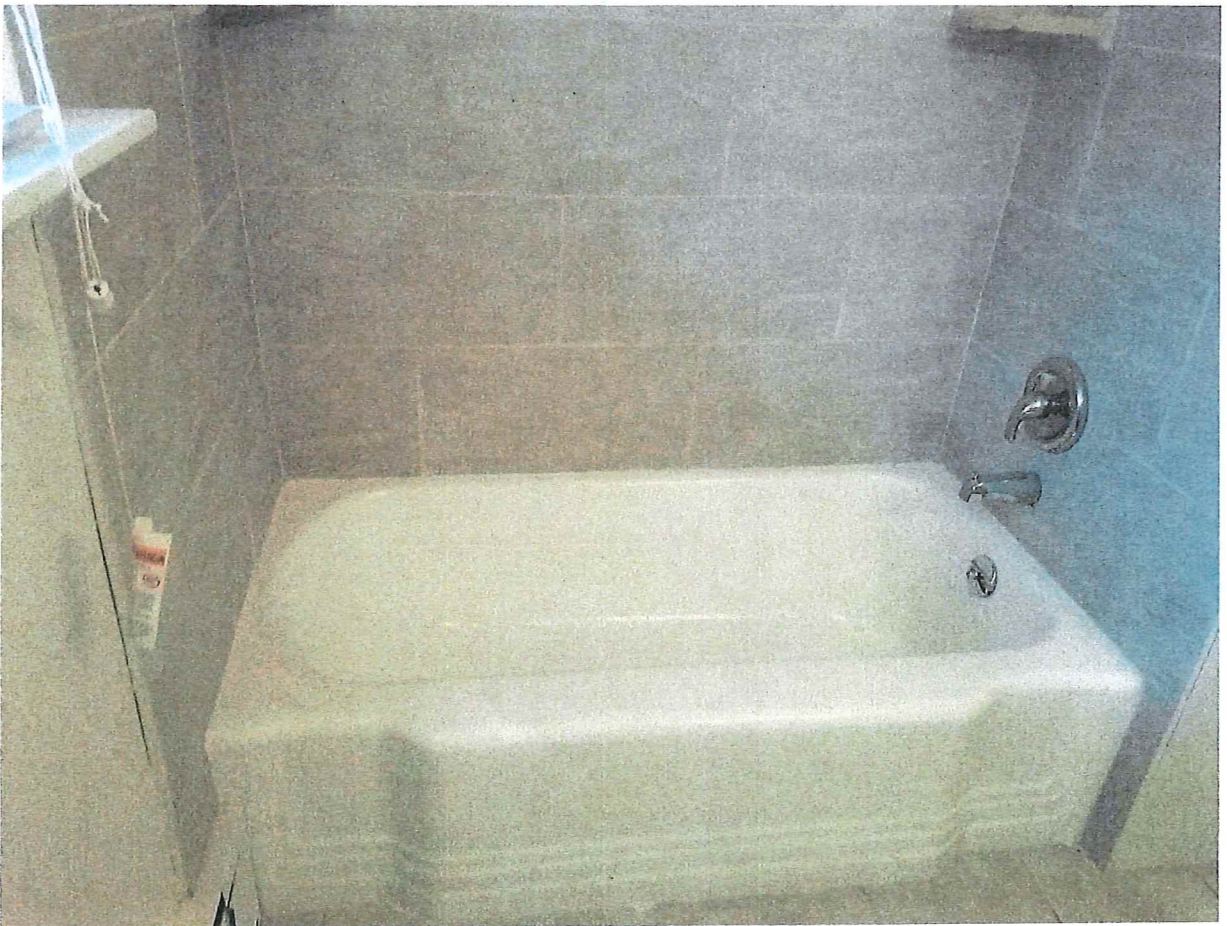
14 Hallway

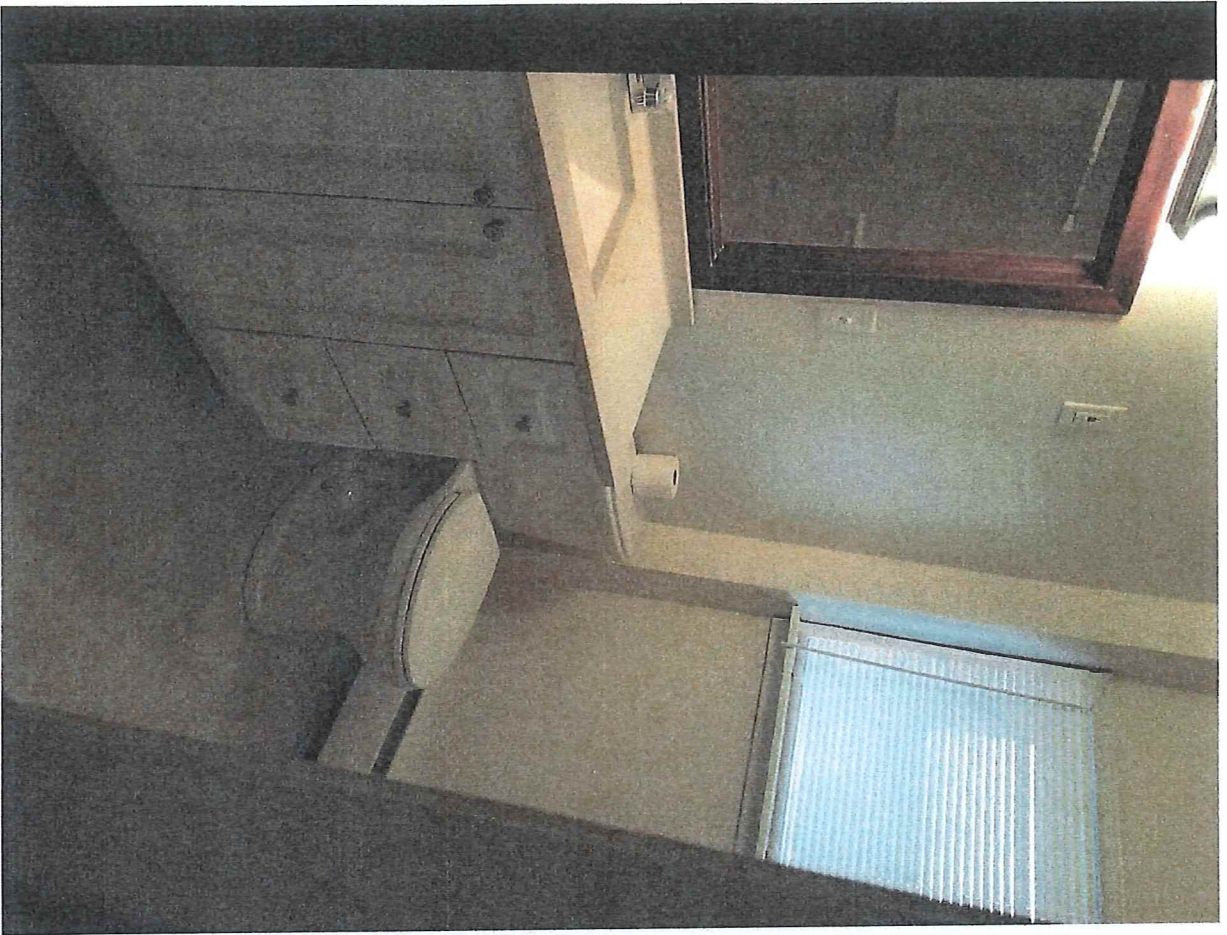




20

Bathroom

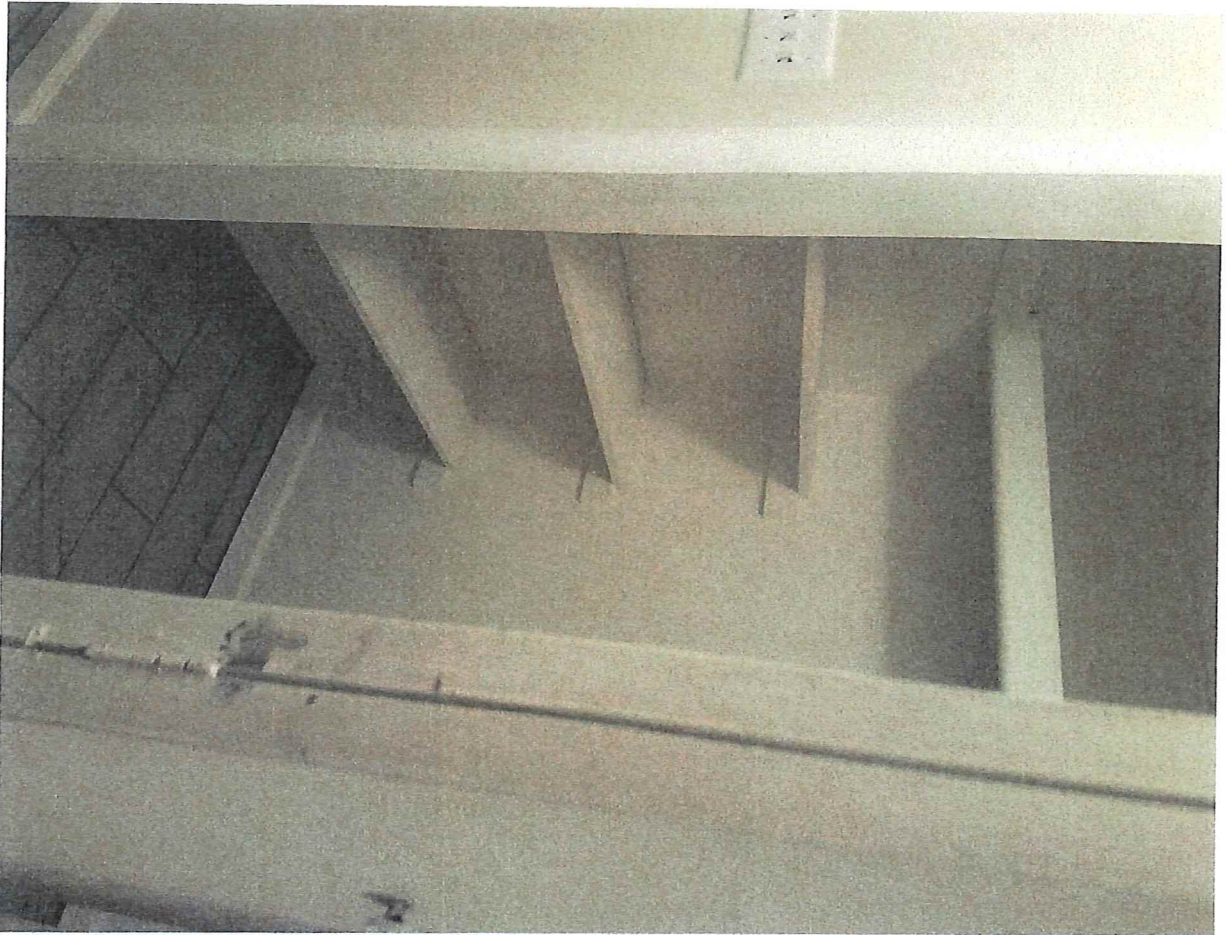




20

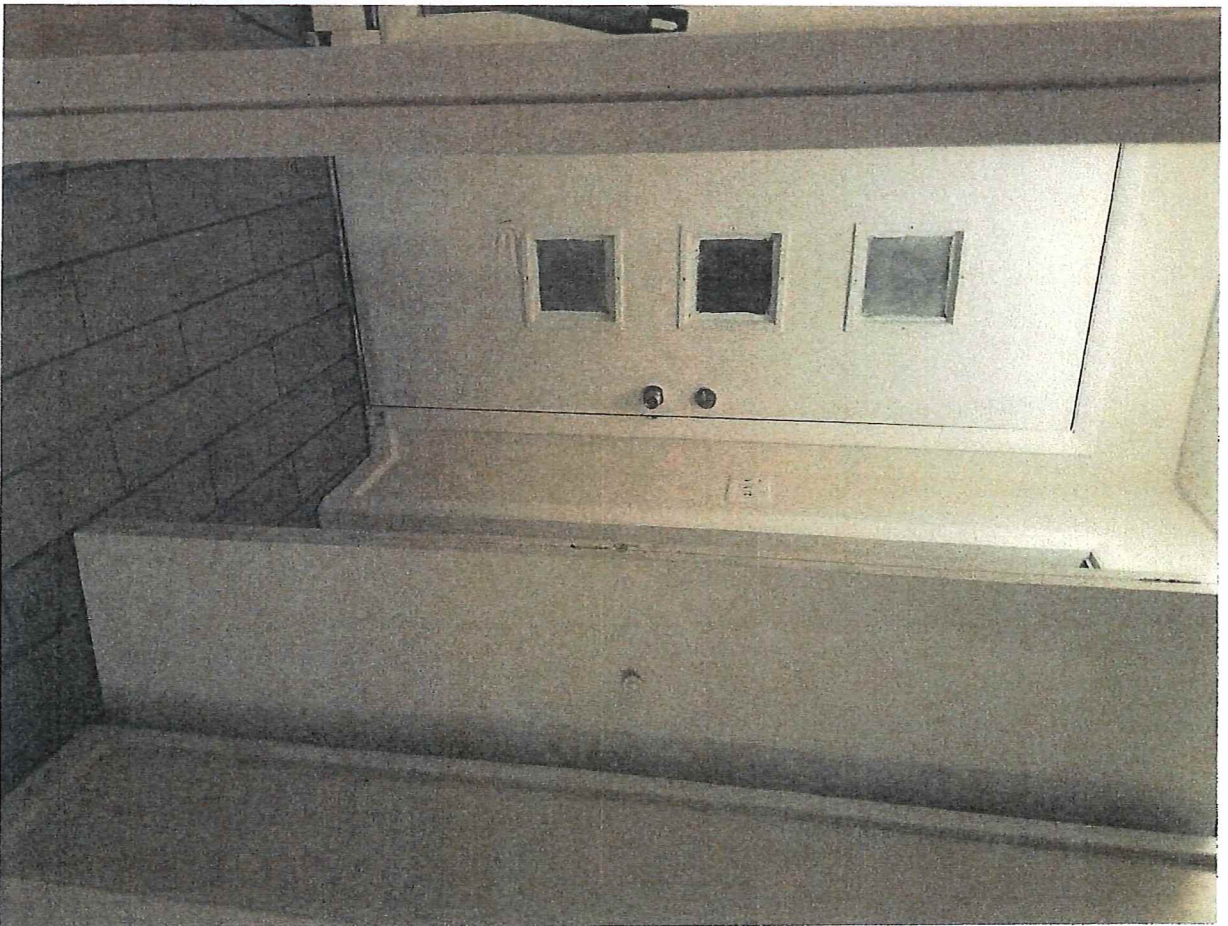
Bathroom

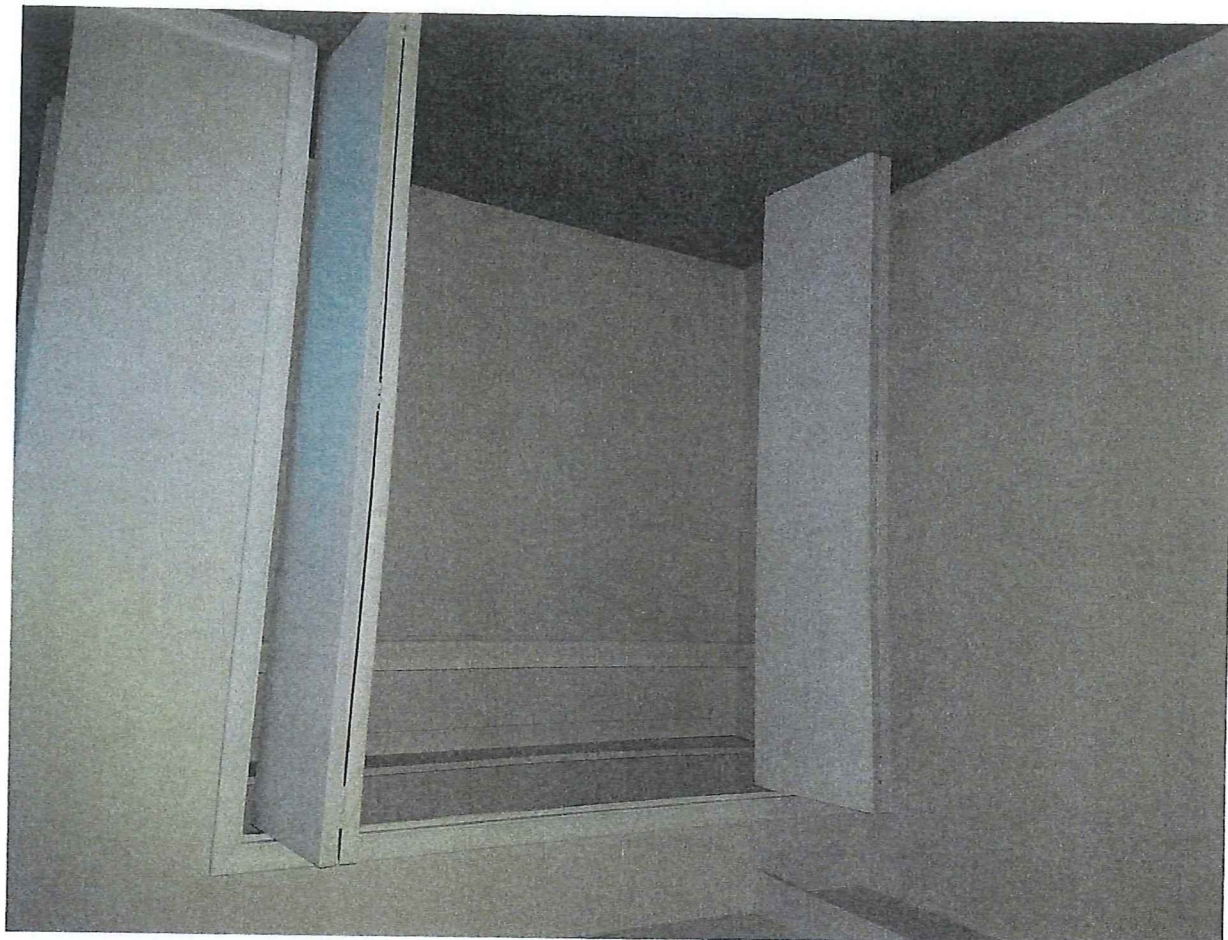
Chost



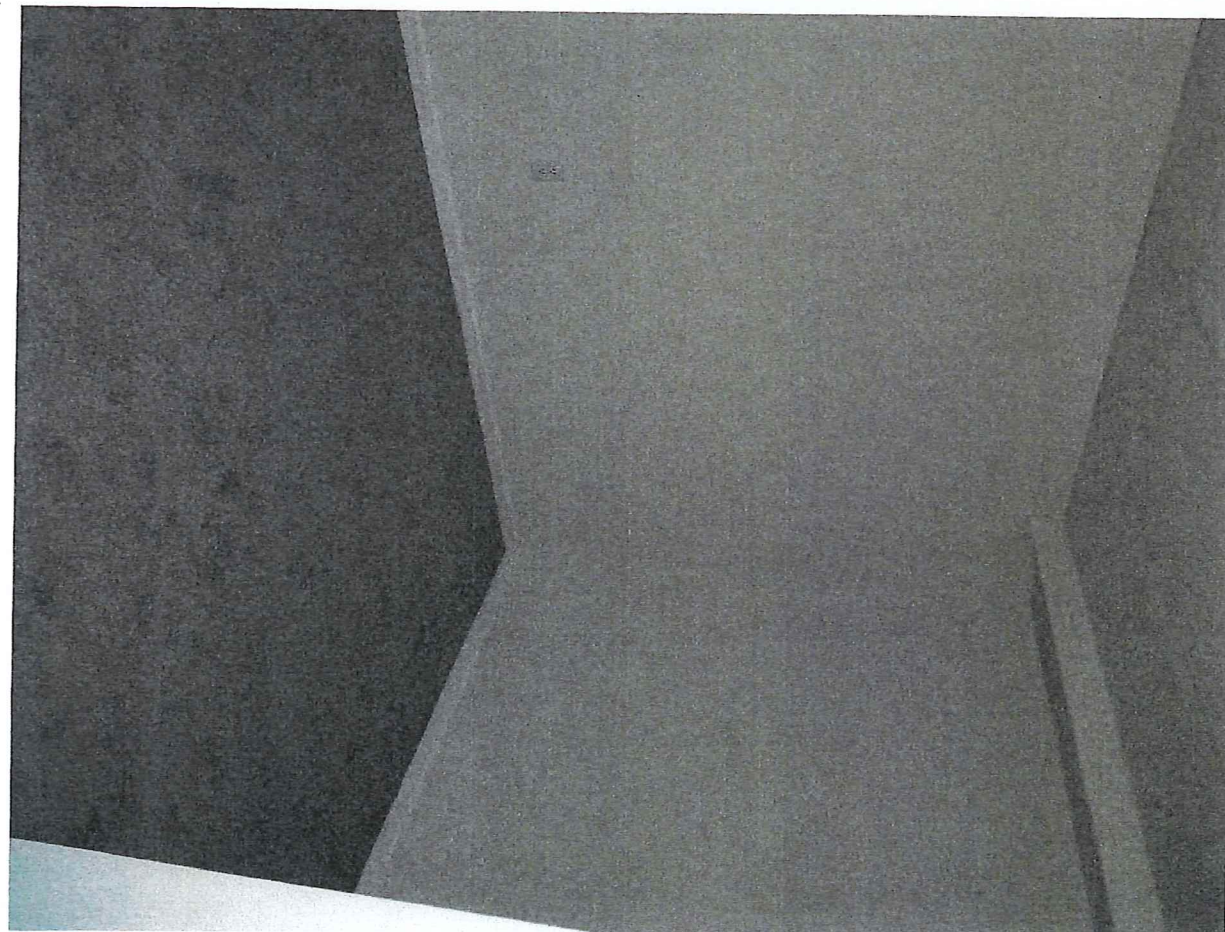
Back Unit
21

Mudroom Front Door





23



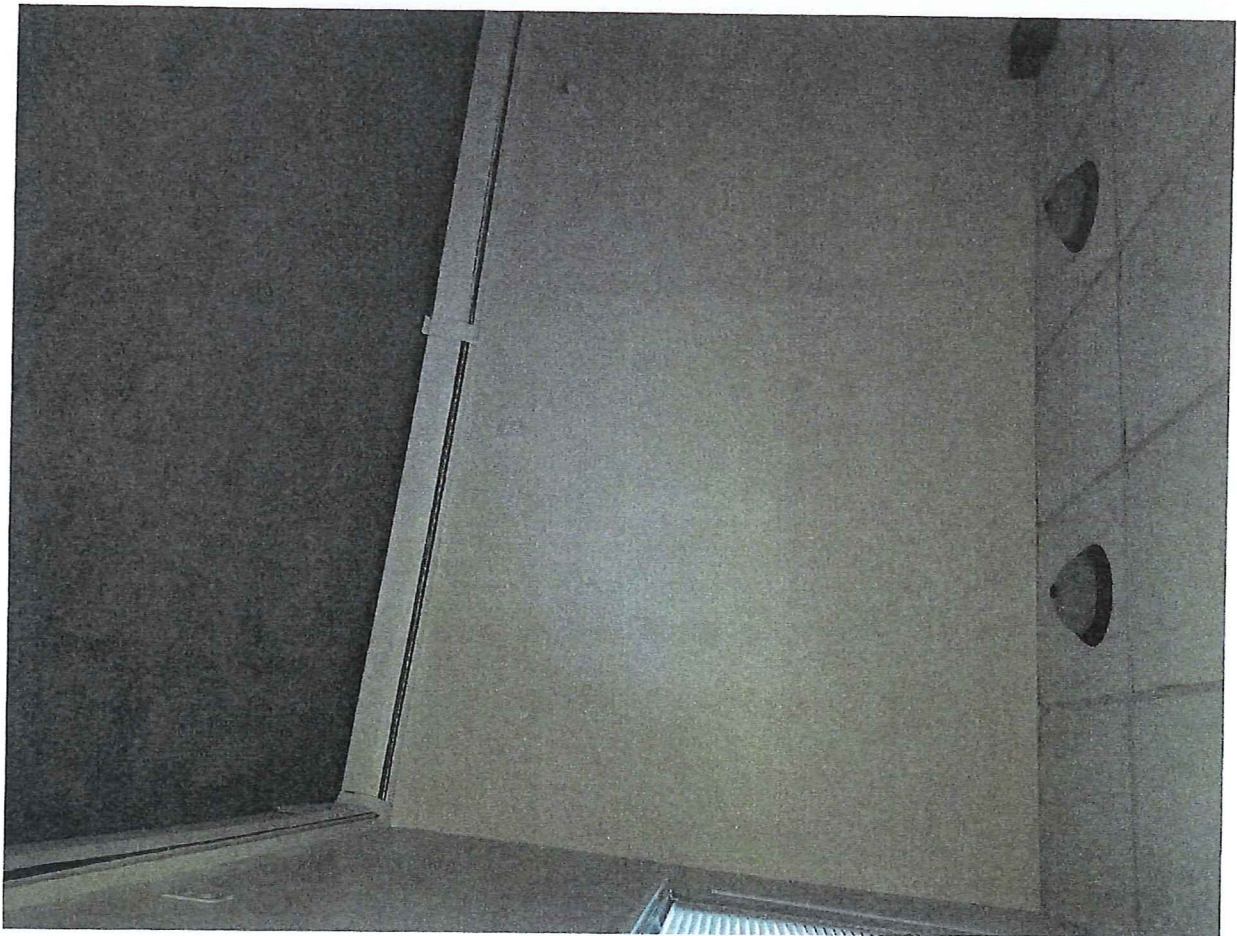
23

Bedroom Back Unit





22

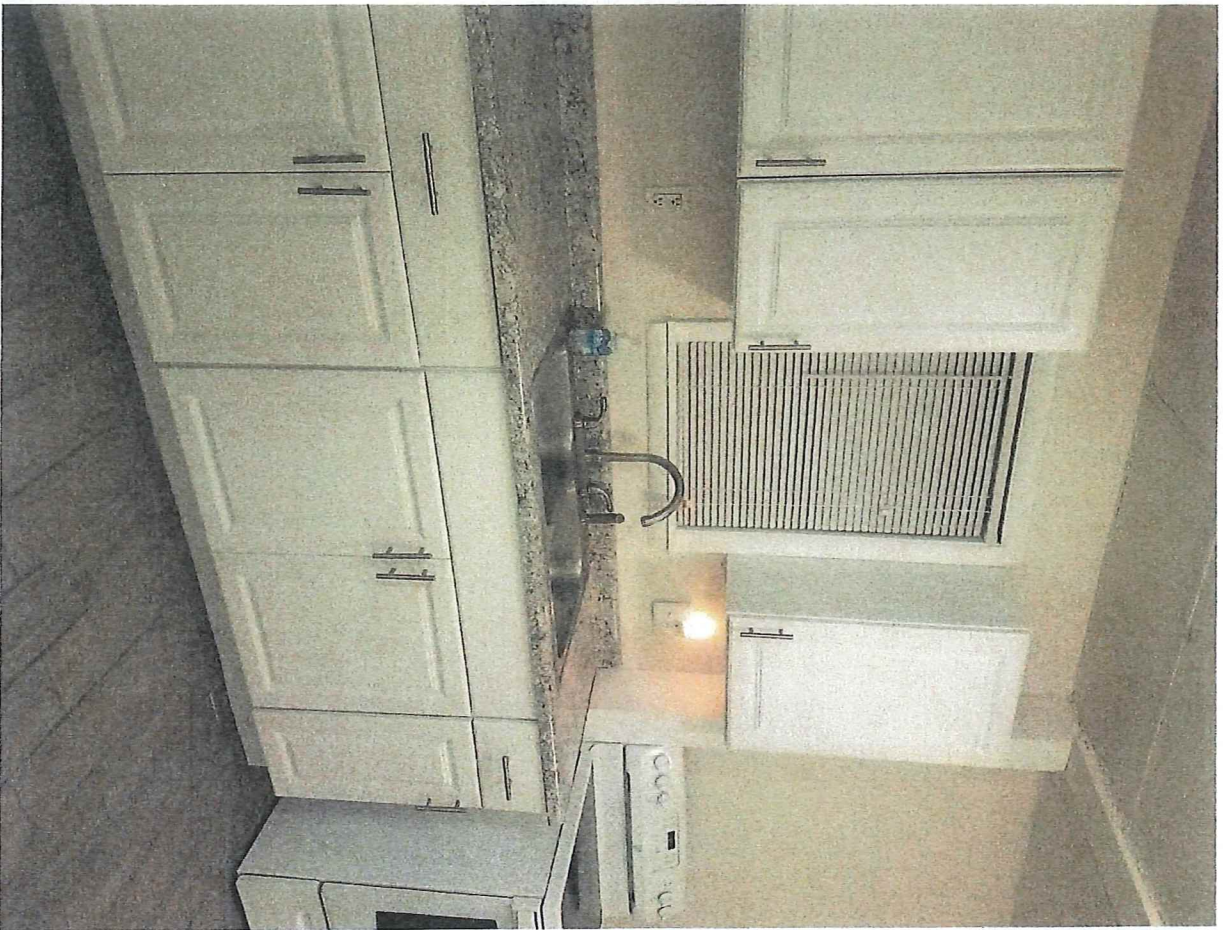




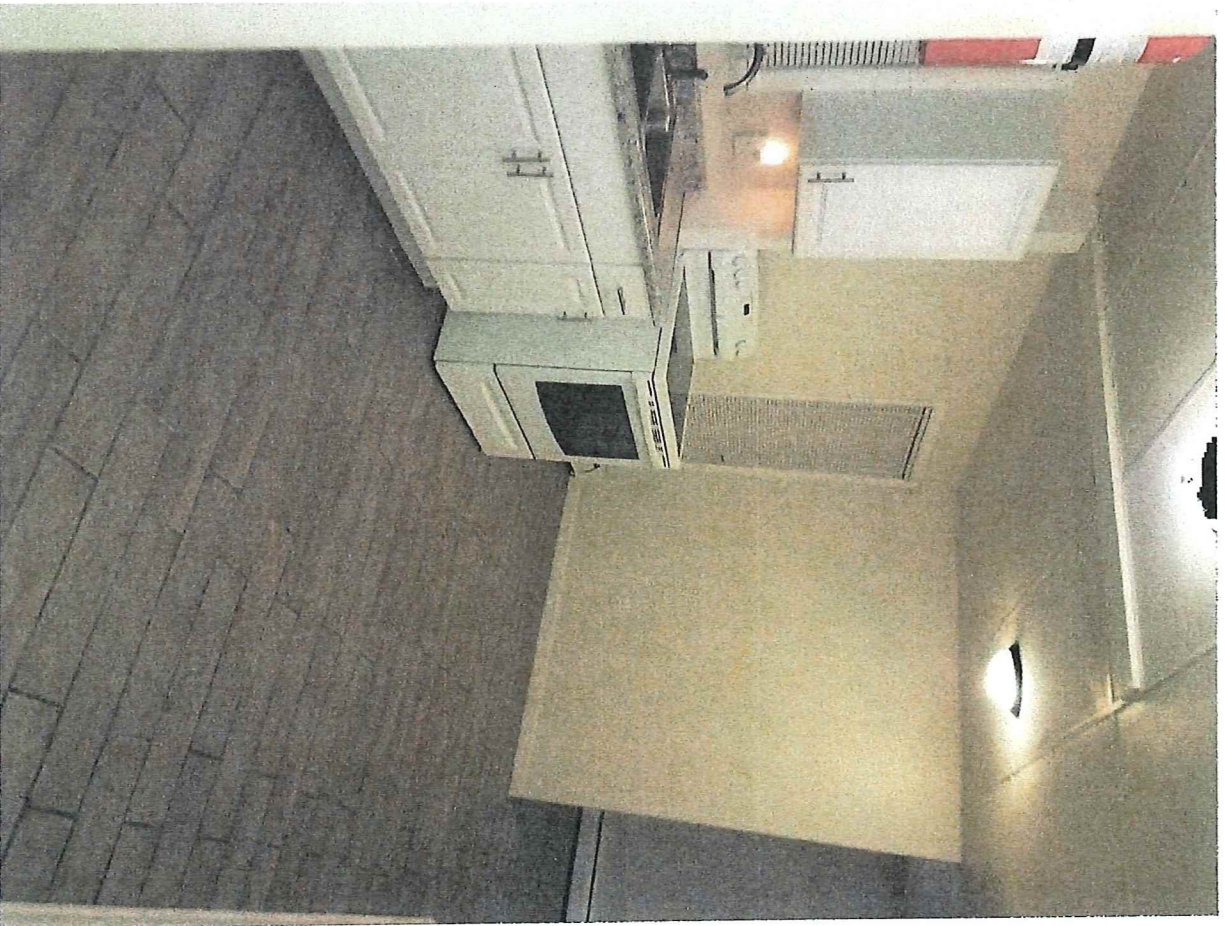
②

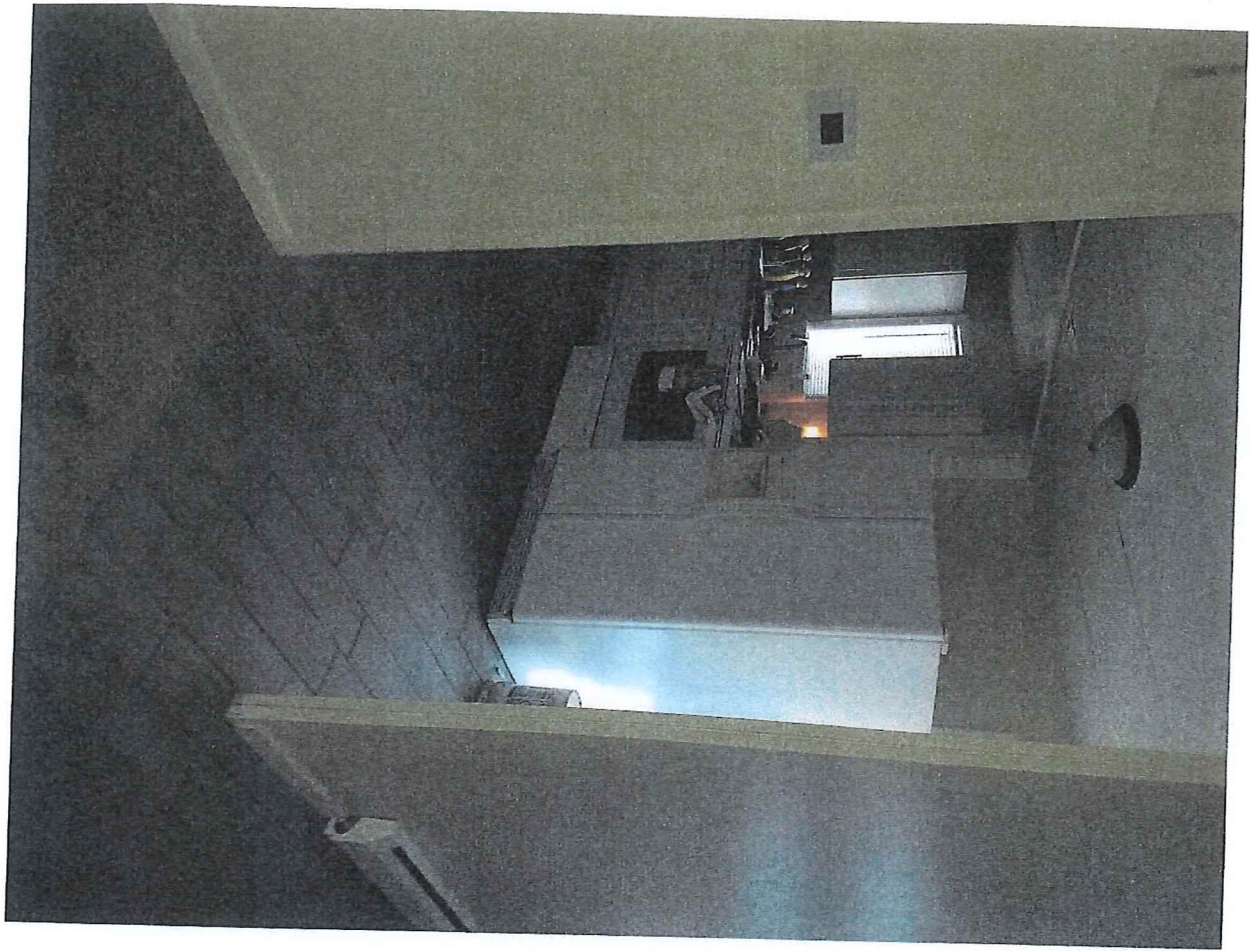


Back Unit Kitchen



24



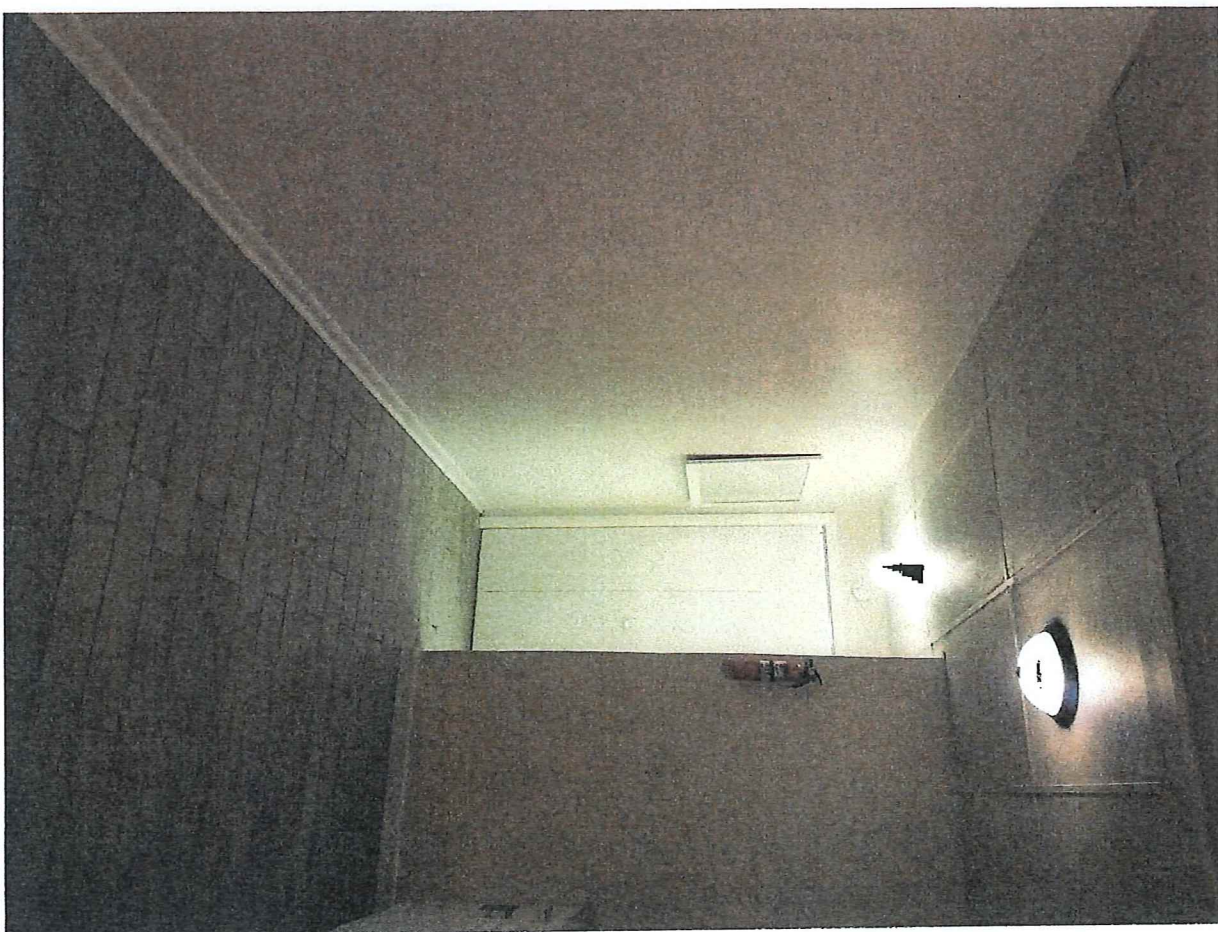


34

Back Unit



Kitchen



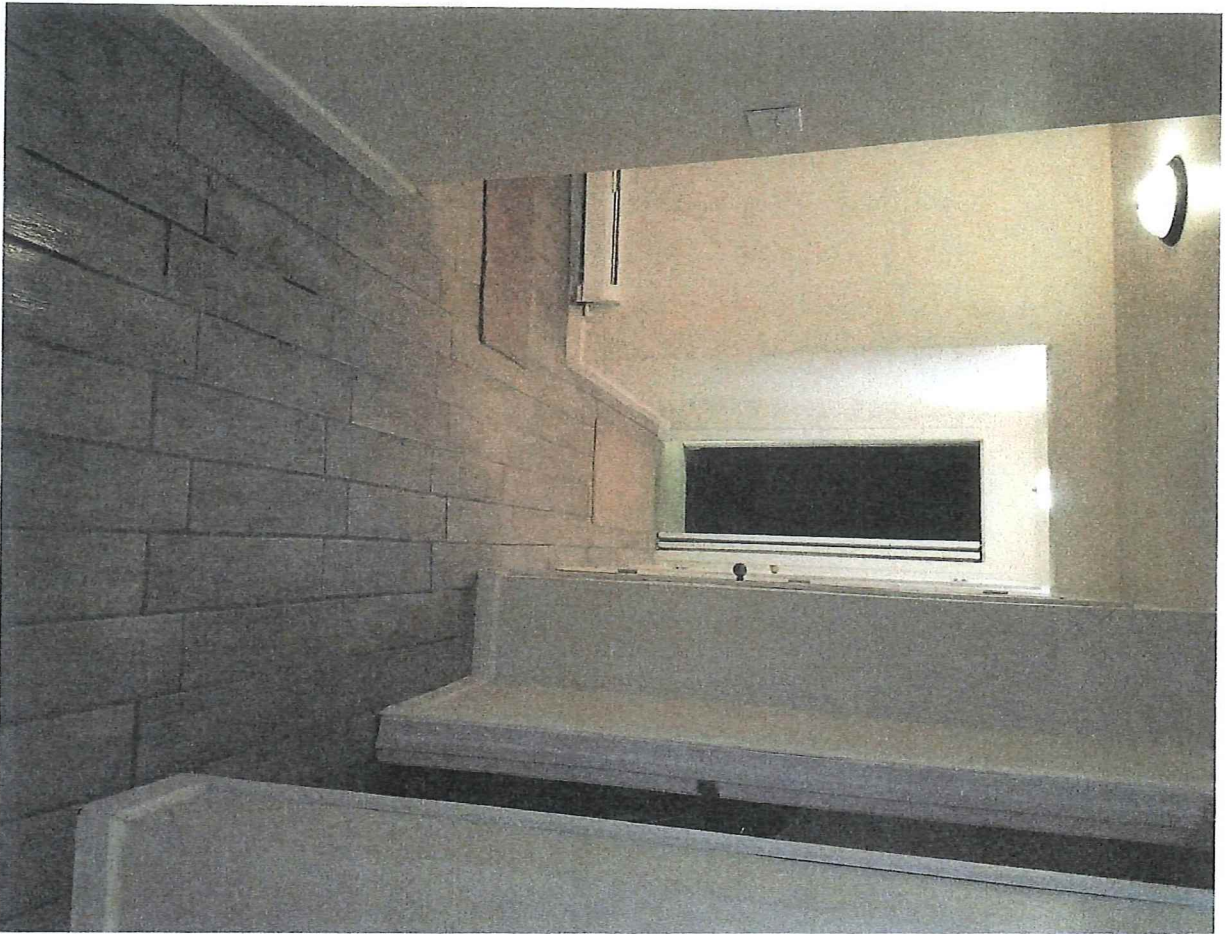
24

Back Unit Bathroom



25





26

Hallway



Back Unit



35



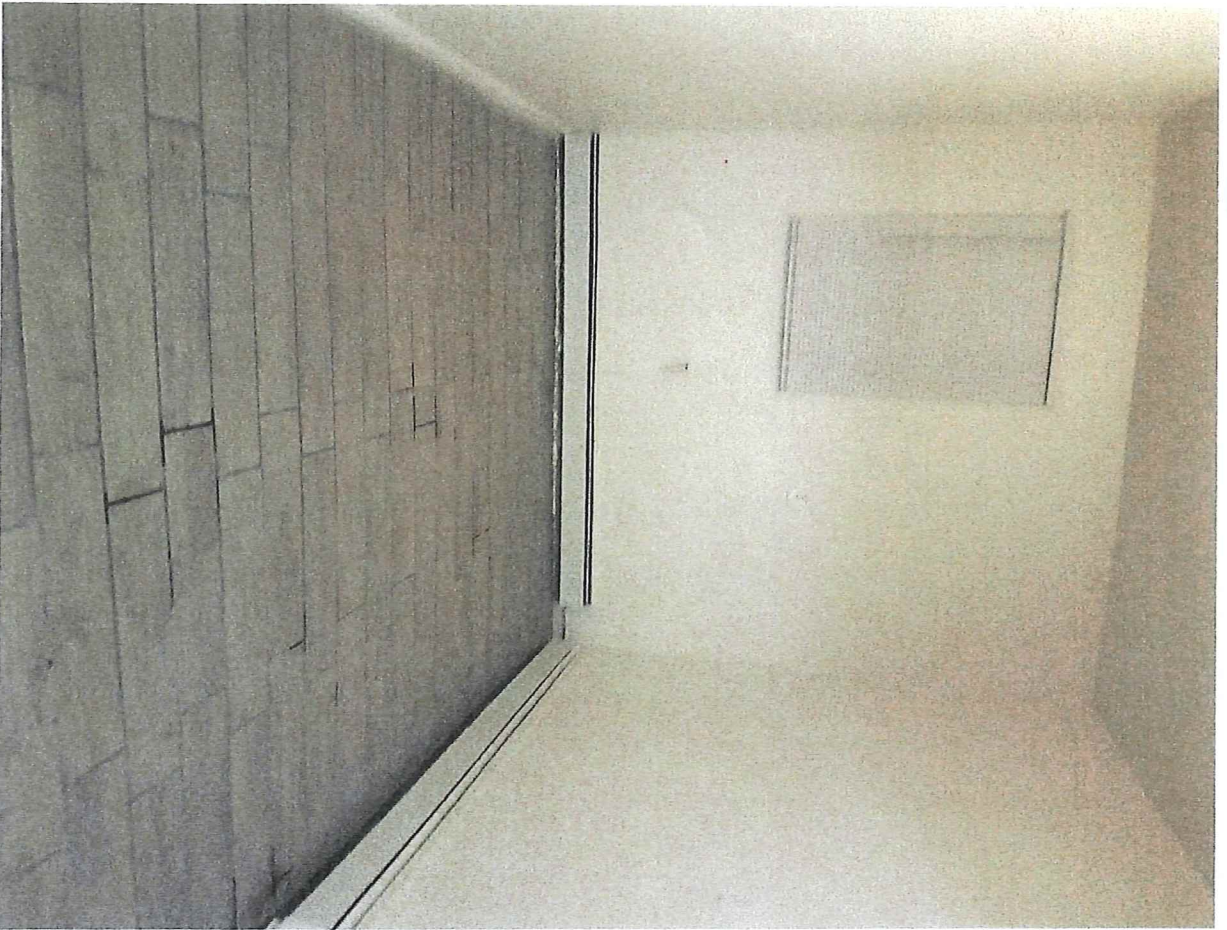


27 Laundry Room

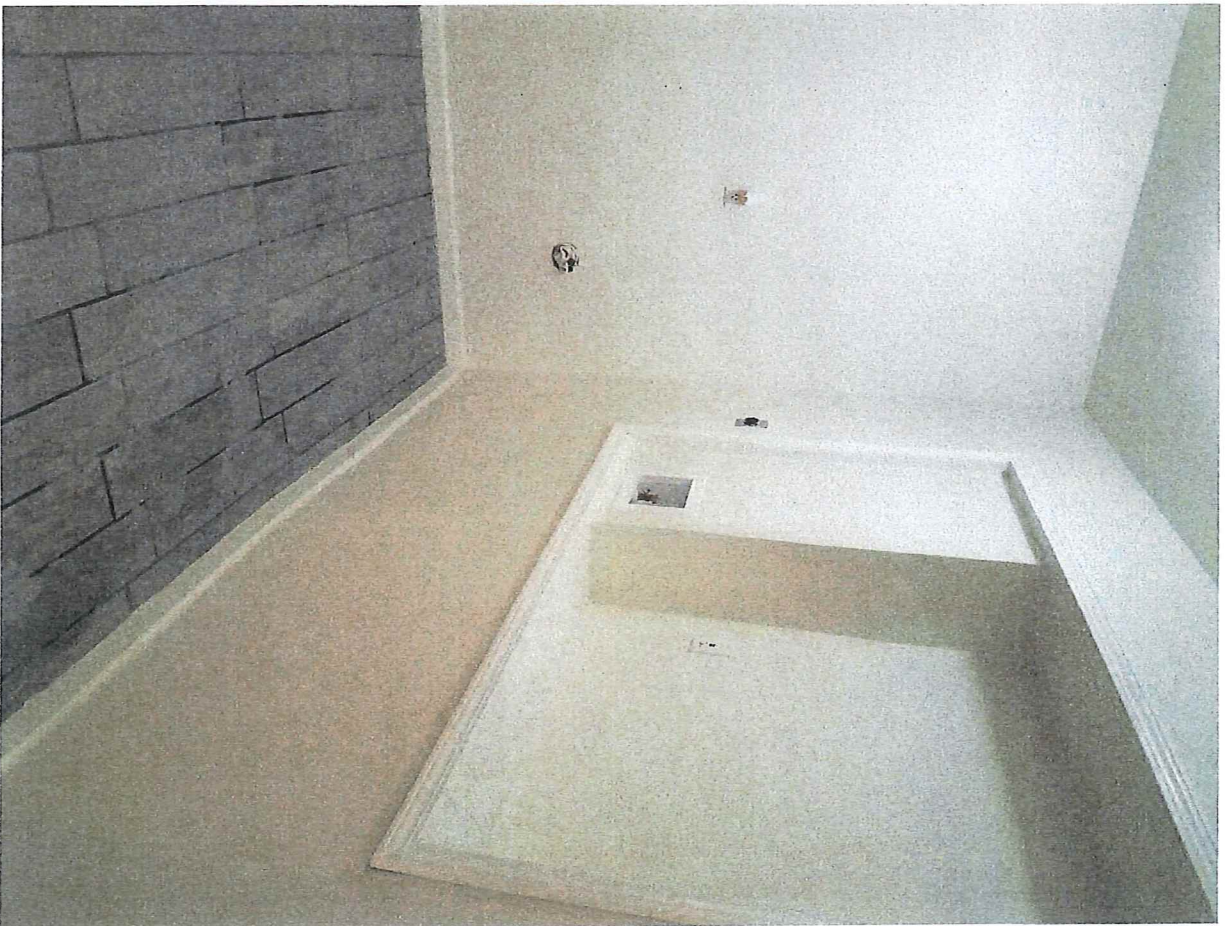


Bath unit

28 Storage Rm Back unit

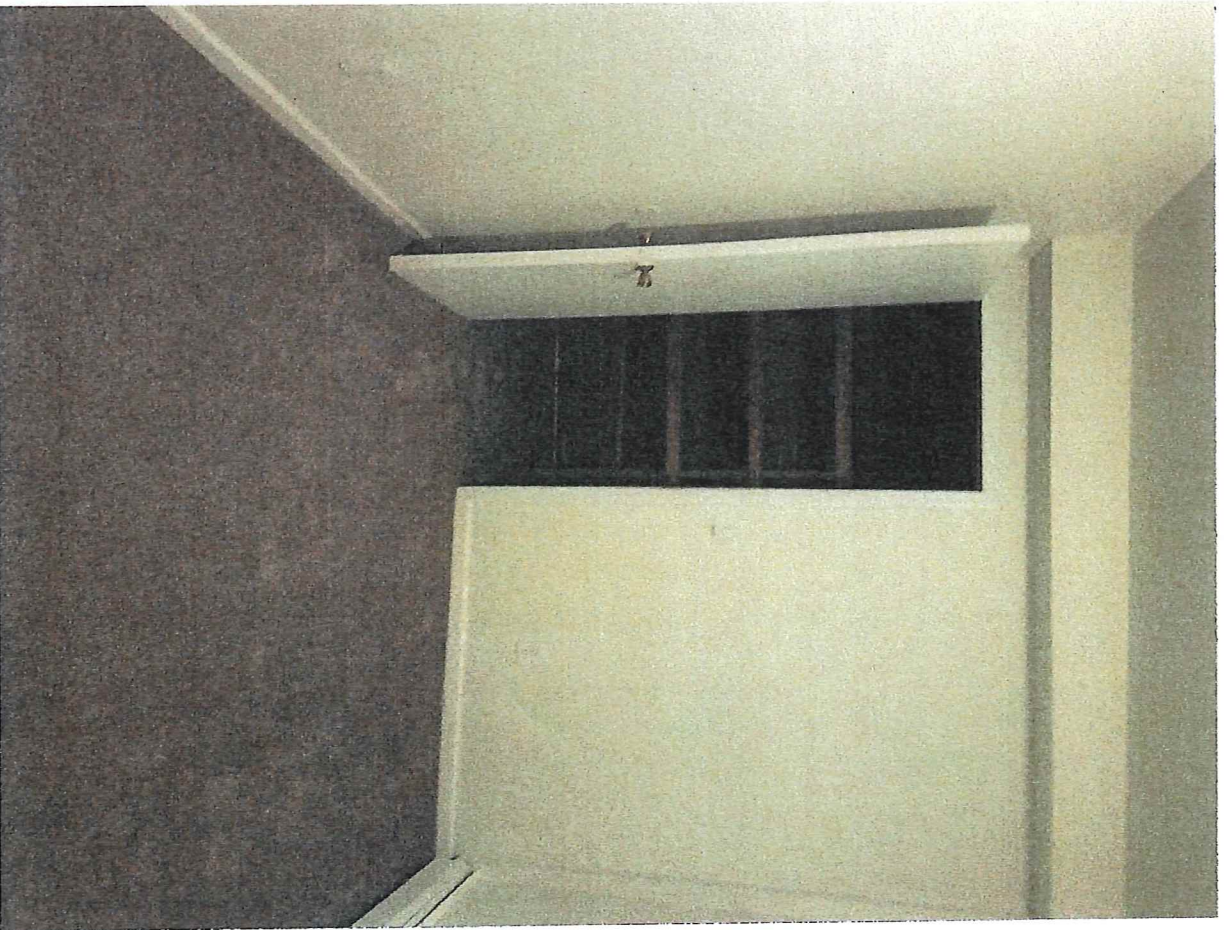
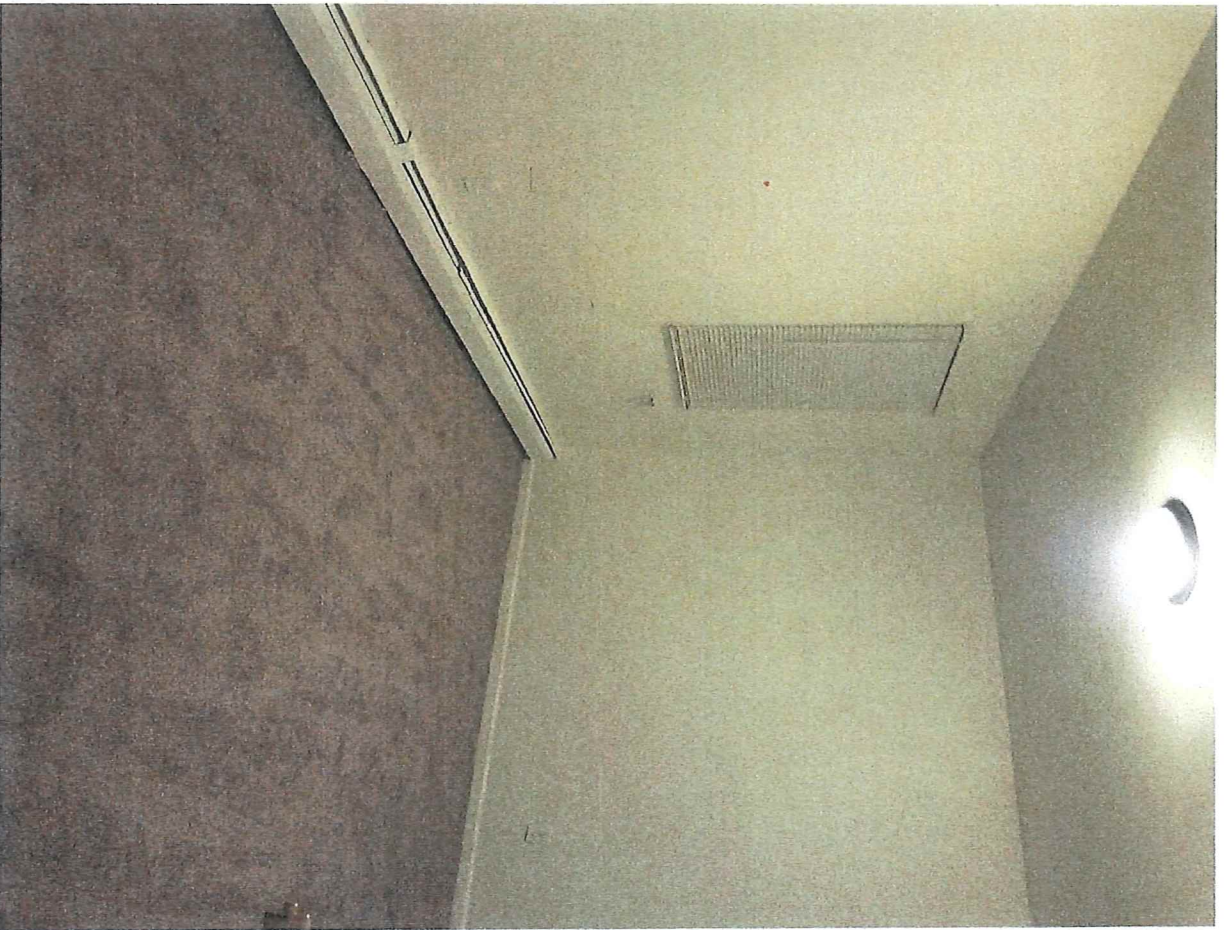


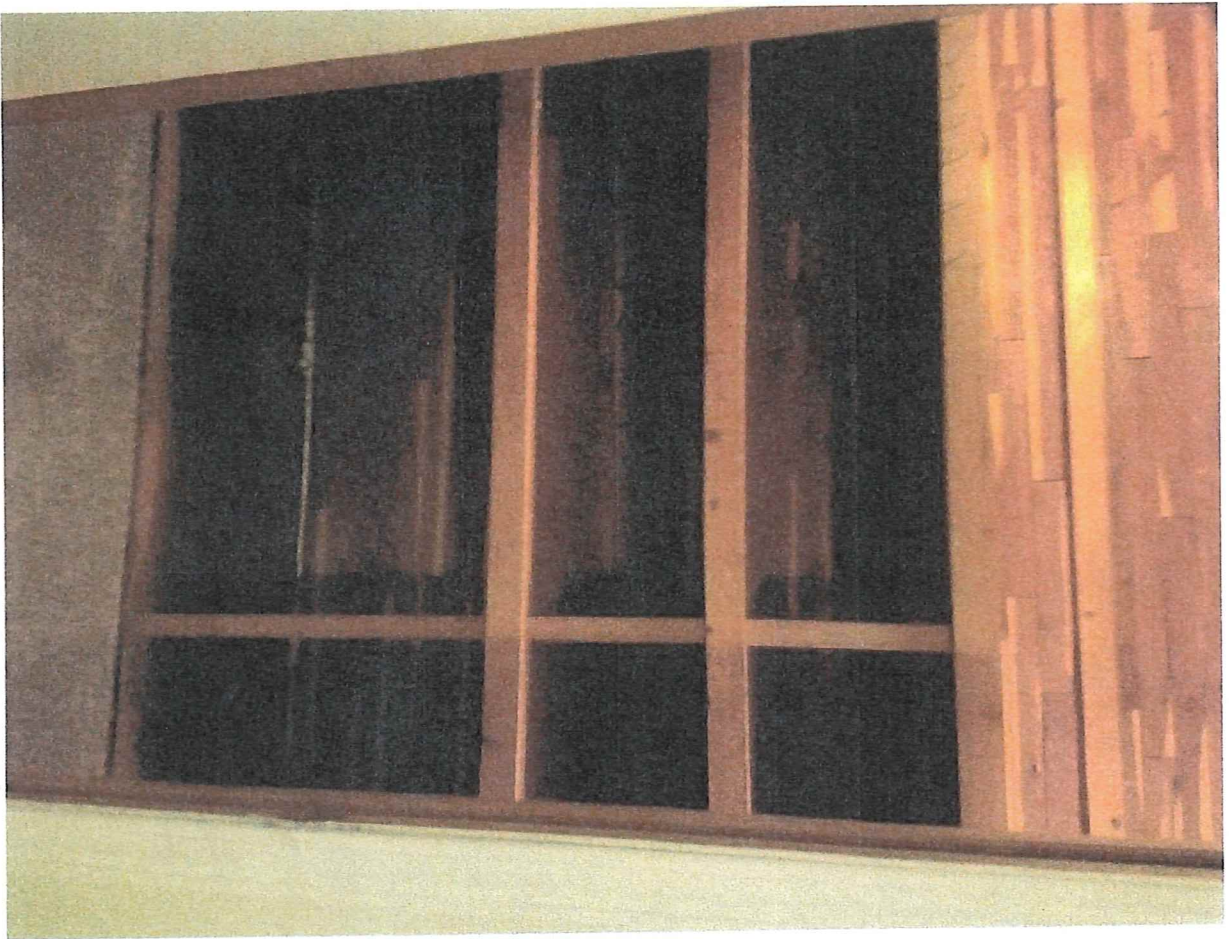
27 Laundry Room



29

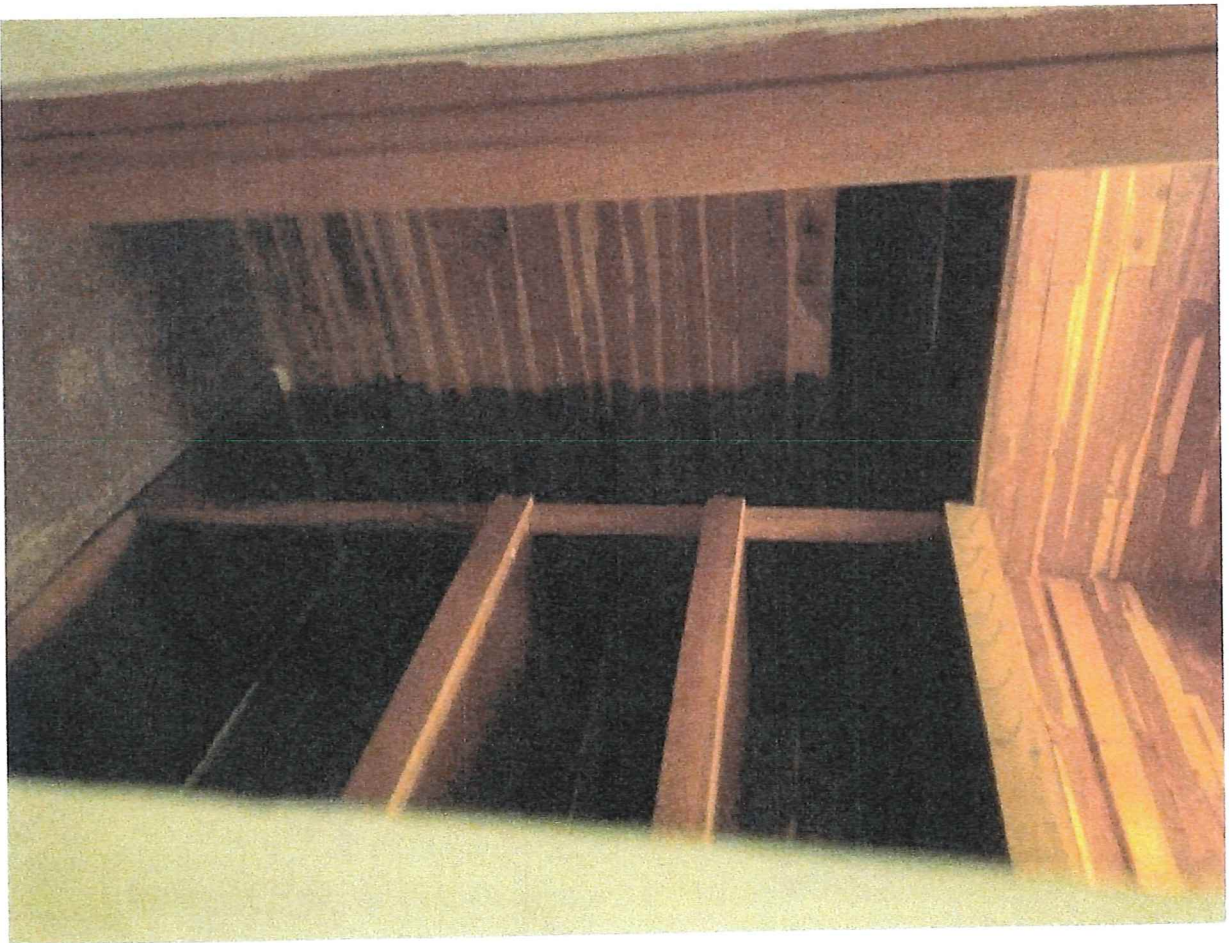
Back Unit Bedroom





29

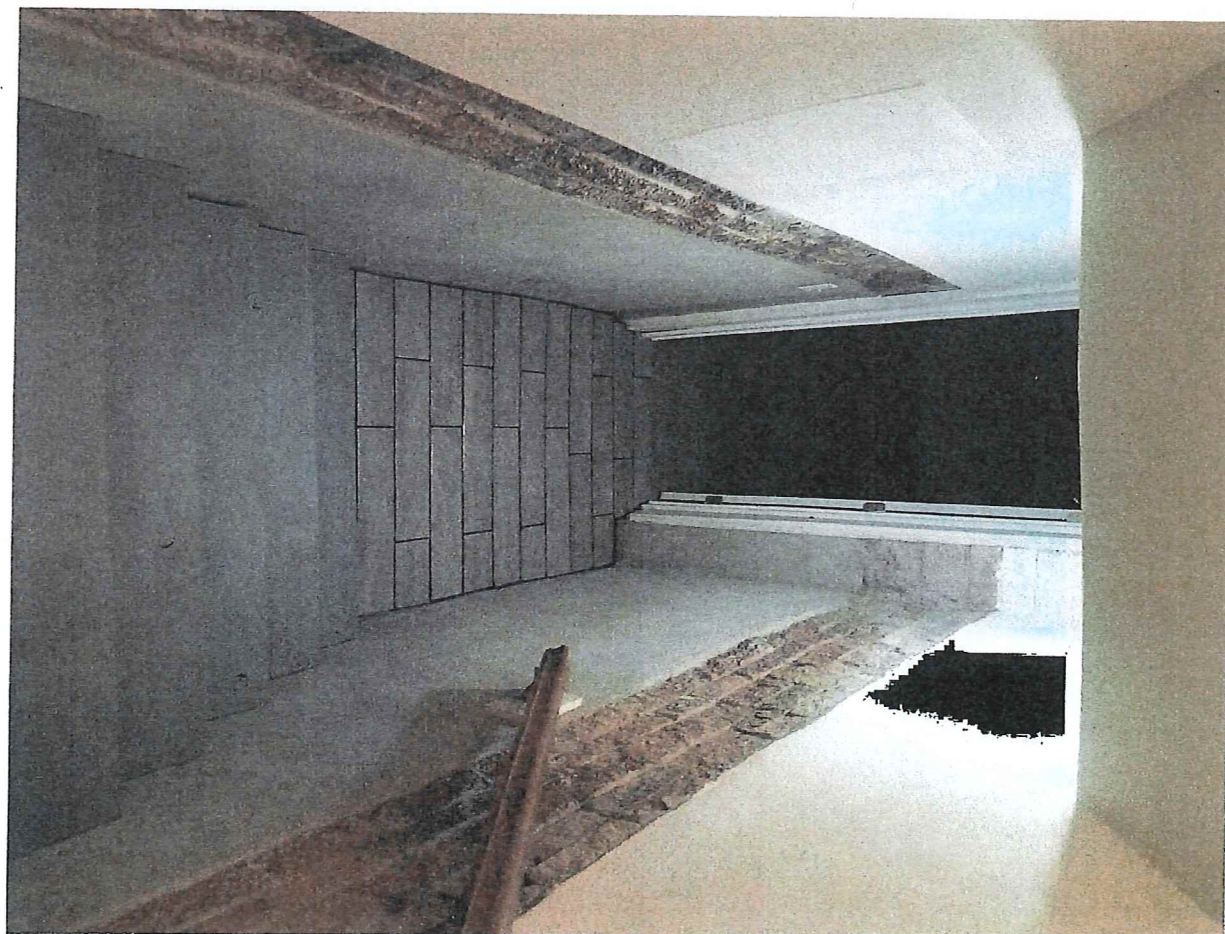
Mark in closet





30

Stairs to Room Back Unit





31 Room in Basement / Lower Level Back Unit



Back yard

33





(33)

Back yard

(33) Back yard





Memo

To: Zoning Board of Appeals
From: Bonnie Wessler, City Planner
Date: 26 April 2019
Subject: 472 Second St, Appeal of Administrative decision

Background

The appellant is appealing a decision made by staff that 472 Second St may no longer be used as a duplex, as the previous duplex use was abandoned in 2003, the property was foreclosed in 2016, and the zoning ordinance was changed to no longer permit duplexes in 2014/15.

The ordinance reads as follows:

Sec. 122-349. Class B nonconforming uses of buildings.

All nonconforming uses of buildings not designated class A shall be class B nonconforming uses of buildings. Class B nonconforming uses of buildings shall comply with all the provisions of this article relative to nonconforming uses of buildings. The class B nonconforming use of a building, or building and lot in combination, may be continued subject to the following provisions:

(sections a-d omitted for brevity)

- (e) **Abandonment.** If the nonconforming use of land is discontinued for a period of 365 consecutive days, where there is an intent demonstrated by the property owner to abandon the nonconforming use, it must not thereafter be renewed, and any subsequent use of the land must conform to the regulations of the district in which the land is located. A nonconforming use must be determined to be abandoned if the use has ceased and one (1) or more of the following conditions exist, that said condition(s) being deemed to demonstrate intent on the part of the property owner to abandon the nonconforming use:
- (1) One (1) or more utility meters, such as water, gas and electricity to the property, have been removed;
 - (2) The property, buildings and/or grounds are unsafe or unsanitary, as described in Chapter 18, Article V;
 - (3) Cessation of business operations;
 - (4) Receipt of a written declaration by the property owner.
 - (5) Signs or other indications of the existence of the nonconforming use have been removed;
 - (6) Removal of equipment or fixtures that are necessary for the operation of the nonconforming use;
 - (7) Failure to maintain current licenses, certificates, permits, registrations or other appropriate documentation for the nonconforming use;
 - (8) Bank or tax foreclosure;
 - (9) Operation or maintenance of a permitted use or different use at the property; or
 - (10) Other actions or omissions, which in the opinion of the Planning or Building Department(s), evidence an intention of the part of the property owner to abandon the nonconforming use.

Staff's decision letter, as well as supporting documentation, is attached, as is the appellant's appeal.

Appeals are governed by Section 371 of the code:

Sec. 122-371. Appeals.

- (a) **Questions first go to administrative official.** All questions concerning administrative decisions under this chapter shall first be presented to the applicable City official or agency. Such questions shall be presented to the Zoning Board of Appeals only on appeal from the decisions of the applicable City official or agency.
- (b) **Filing appeal.** Appeals may be commenced by a person aggrieved by the decision of any officer, department, board, agency, or bureau of the City, county, state, or federal governments by filing a notice of appeal with the City Planner's office. The notice of appeal shall be signed, shall specify the requirement or decision from which the appeal is made, and shall state the specific grounds on which the appeal is based. The applicable fee shall be submitted with the notice of appeal; such fee shall be nonrefundable. Appeals shall be filed within 60 days of the decision in question.
- (c) **Stay of action.** An appeal stays all proceedings in the furtherance of the action appealed from unless the Building Department certifies to the Zoning Board of Appeals after the notice is filed that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Zoning Board of Appeals or by circuit court, following written request, notice to the officer or body from whom the appeal is taken, and due cause shown.
- (d) **Power to subpoena.** The Zoning Board of Appeals shall have the power to subpoena witnesses; administer oaths; compel testimony; and require the production of reports, papers, files, and other evidence pertinent to the matters before it.
- (e) **Decisions regarding appeals.** The Zoning Board of Appeals may, so long as such action is in conformity with the terms of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination from which an appeal is sought. To that end, the Zoning Board of Appeals shall have the powers of the public official or body from whom the appeal is taken.

Deeds showing foreclosure

L: 5135 P: 279 6301951 DS
02/03/2016 09:41 AM Total Pages: 6
Lawrence Kestenbaum, Washtenaw Co



Receipt# 16-2309 6301951
02/03/2016 Washtenaw Co, Michigan
Real Estate Transfer Tax
Tax Stamp # 423480
County Tax: \$68.75 State Tax: \$0.00



458222F01 Kennedy - FC H

SHERIFF'S DEED ON MORTGAGE SALE

This Indenture Made this 21st day of January, A.D. 2016, between, James B. Damron, a Deputy Sheriff in and for Washtenaw County, Michigan, whose address is 2201 Hogback Rd Ann Arbor, Michigan 48105-9732, party of the first part, and Wells Fargo Bank, N.A. as Trustee for Bear Stearns Asset Backed Securities I Trust 2004-BO1, whose address is 12650 Ingenuity Dr, Orlando, FL 32826-2703, party of the second part (hereinafter called the grantee).

WITNESSETH, That Whereas a certain mortgage made by Norman E. Kennedy, a single person, original mortgagor(s), to Bank One, N.A. Mortgagee, dated November 29, 1999, and recorded on December 9, 1999 in Liber 3918 on Page 838, and assigned by mesne assignments to Wells Fargo Bank, N.A. as Trustee for Bear Stearns Asset Backed Securities I Trust 2004-BO1 as assignee as documented by an assignment dated December 9, 2015 recorded on December 14, 2015 in Liber 5128 on Page 284, in Washtenaw county records, Michigan and

WHEREAS, said mortgage contained a power of sale which has become operative by reason of a default in the condition of said mortgage, and

WHEREAS, no suit or proceedings at law or in equity have been instituted to recover the debt secured by said mortgage or any part thereof, and

WHEREAS, by virtue of said power of sale, and pursuant to the statute of the State of Michigan in such case made and provided, a notice was duly published and a copy thereof was duly posted in a conspicuous place upon the premises described in said mortgage, that the said premises, or some part of them, would be sold at 10:00 AM on the 21st day of January, A.D. 2016, at public vendue, that being the place of holding the Circuit Court for Washtenaw County where the premises are situated and

WHEREAS, pursuant to said notice I did, at on the day last aforesaid, expose for sale at public vendue the said lands and tenements hereinafter described, and on such sale did strike off and sell the said lands and tenements to the grantee for the sum of Sixty-Two Thousand Two Hundred Seventy-Nine and 26/100 Dollars (\$62,279.26), that being the highest bid therefore and the grantee being the highest bidder, and

WHEREAS, said lands and tenements are situated in the City of Ypsilanti, Washtenaw County, Michigan, more particularly described in exhibit A, attached and commonly known as:

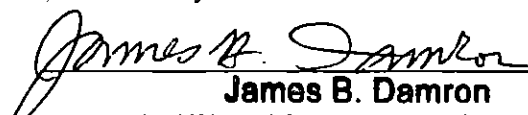
472 2nd St

Property Tax Parcel ID 11-39-285-012

This property may be located within the vicinity of farmland or a farm operation. Generally, accepted agricultural and management practices, which may generate noise, dust, odors, and other associated conditions, may be used and are protected by the Michigan right to farm act.

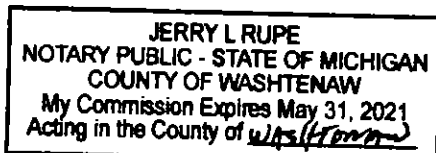
Now, this Indenture Witnesseth, That I, the Deputy Sheriff aforesaid, by virtue of and pursuant to the statute in such case made and provided, and in consideration of the sum of money so paid as aforesaid, have granted, conveyed, bargained and sold, and by this deed do grant, convey, bargain and sell unto the grantee, its successors and assigns, forever, all the estate, right, title and interest, which the said Mortgagor(s) had in said land and tenements and every part thereof, on the 29th day of November A.D. 1999, that being the date of said mortgage, or at any time thereafter, to have and to hold the said lands and tenements and every part thereof to the said grantee, its successors and assigns forever, to their sole and only use, benefit and behoof forever, as fully and absolutely as I, the Deputy Sheriff aforesaid, under the authority aforesaid, might, could or ought to sell the same.

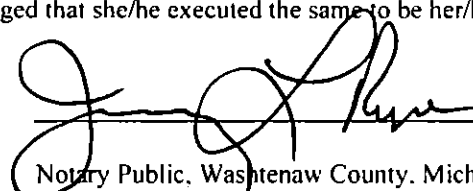
IN WITNESS WHEREOF, I have hereunto set my hand and seal, the date and year first above written.


James B. Damron
Deputy Sheriff in and for the County of Washtenaw

STATE OF MICHIGAN
COUNTY OF WASHTENAW

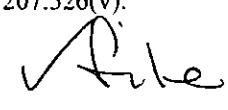
On James B. Damron, before me, a Notary Public in and for said County of Washtenaw came 1-21-2016, a Deputy Sheriff of said County, known to me to be the individual described in and who executed the above conveyance, and who acknowledged that she/he executed the same to be her/his free act and deed as such Deputy Sheriff.




Notary Public, Washtenaw County, Michigan
My commission expires:
Acting in the county of Washtenaw

THIS INSTRUMENT IS EXEMPT FROM MICHIGAN TRANSFER TAX UNDER MCLA 207.526(v).

Prepared By: Donna M. Carter
P52369
Trott Law, P.C.
31440 Northwestern Hwy Ste 200
Farmington Hills, MI 48334-5422


Time Submitted for Recording
Date 2-2-2016 Time 2:37 PM
Lawrence Kestenbaum
Washtenaw County Clerk/Registrar

458222F01 Kennedy - FC H

Exhibit A - Property Description

The North 1/2 part, in width of Lot No. 43 of Morse's Addition to the City of Ypsilanti, Washtenaw County, Michigan according to the recorded Plat thereof.

Team H - Norman Kennedy**AFFIDAVIT OF PUBLICATION**

Notice Of Mortgage Foreclosure Sale THIS FIRM IS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION WE OBTAIN WILL BE USED FOR THAT PURPOSE. PLEASE CONTACT OUR OFFICE AT THE NUMBER BELOW IF YOU ARE IN ACTIVE MILITARY DUTY. ATTN PURCHASERS: This sale may be rescinded by the foreclosing mortgagee. In that event, your damages, if any, shall be limited solely to the return of the bid amount tendered at sale, plus interest. MORTGAGE SALE - Default has been made in the conditions of a mortgage made by Norman E. Kennedy, a single person, original mortgagor(s), to Bank One, NA, Mortgagee, dated November 29, 1999, and recorded on December 9, 1999 in Liber 3918 on Page 838, and assigned by mesne assignments to Wells Fargo Bank, N.A. as Trustee for Bear Stearns Asset Backed Securities I Trust 2004-BO1 as assignee as documented by an assignment, in Washtenaw county records, Michigan, on which mortgage there is claimed to be due at the date hereof the sum of Sixty-One Thousand Three Hundred Twenty-One and 82/100 Dollars (\$61,321.82). Under the power of sale contained in said mortgage and the statute in such case made and provided, notice is hereby given that said mortgage will be foreclosed by a sale of the mortgaged premises, or some part of them, at public vendue, at the place of holding the circuit court within Washtenaw County, at 10:00 AM, on January 21, 2016. Said premises are situated in City of Ypsilanti, Washtenaw County, Michigan, and are described as: The North 1/2 part, in width of Lot No. 43 of Morse's Addition to the City of Ypsilanti, Washtenaw County, Michigan according to the recorded Plat thereof. The redemption period shall be 6 months from the date of such sale, unless determined abandoned in accordance with MCLA 600.3241a, in which case the redemption period shall be 30 days from the date of such sale. If the property is sold at foreclosure sale under Chapter 32 of the Revised Judicature Act of 1961, pursuant to MCL 600.3278 the borrower will be held responsible to the person who buys the property at the mortgage foreclosure sale or to the mortgage holder for damaging the property during the redemption period. Dated: December 21, 2015 For more information, please call: FC H (248) 593-1300 Trott Law, P.C. Attorneys For Servicer 31440 Northwestern Hwy Ste 200 Farmington Hills, Michigan 48334-5422 File #458222F01 (12-21)(01-11)

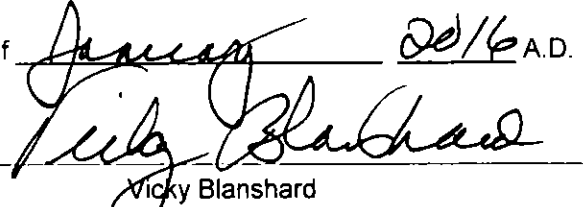
(Affidavit of Publisher)

STATE OF MICHIGAN,
 SS.
 COUNTY OF WASHTENAW

The undersigned, an employee of the publisher of Washtenaw County Legal News, having knowledge of the facts, being duly sworn deposes and says that a notice, a true copy of which is annexed hereto, was published in Washtenaw County Legal News a newspaper circulated in Washtenaw County on December 21, December 28, 2015 A.D. January 4, January 11, 2016 A.D.


 Sheila Pursglove

Subscribed and sworn before me on this

11th day of January 2016 A.D.

 Vicky Blanshard

Notary Public Washtenaw County, Michigan. My commission expires: August 9, 2020 Acting in Washtenaw County, Michigan.

Attorney: Trott Law P.C. - Trott Law P.C. (team h)
 AttorneyFile#: 458222F01
 Notice#: 1260325

458222F01

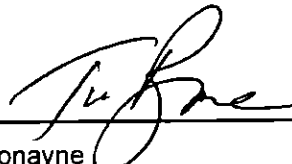
Team H - Norman Kennedy**EVIDENCE OF SALE**

Notice Of Mortgage Foreclosure Sale THIS FIRM IS A DEBT COLLECTOR ATTEMPTING TO COLLECT A DEBT. ANY INFORMATION WE OBTAIN WILL BE USED FOR THAT PURPOSE. PLEASE CONTACT OUR OFFICE AT THE NUMBER BELOW IF YOU ARE IN ACTIVE MILITARY DUTY. ATTN PURCHASERS: This sale may be rescinded by the foreclosing mortgagee. In that event, your damages, if any, shall be limited solely to the return of the bid amount tendered at sale, plus interest. MORTGAGE SALE - Default has been made in the conditions of a mortgage made by Norman E. Kennedy, a single person, original mortgagor(s), to Bank One, NA, Mortgagee, dated November 29, 1999, and recorded on December 9, 1999 in Liber 3918 on Page 838, and assigned by mesne assignments to Wells Fargo Bank, N.A. as Trustee for Bear Stearns Asset Backed Securities I Trust 2004-BO1 as assignee as documented by an assignment, in Washtenaw county records, Michigan, on which mortgage there is claimed to be due at the date hereof the sum of Sixty-One Thousand Three Hundred Twenty-One and 82/100 Dollars (\$61,321.82). Under the power of sale contained in said mortgage and the statute in such case made and provided, notice is hereby given that said mortgage will be foreclosed by a sale of the mortgaged premises, or some part of them, at public vendue, at the place of holding the circuit court within Washtenaw County, at 10:00 AM, on January 21, 2016. Said premises are situated in City of Ypsilanti, Washtenaw County, Michigan, and are described as: The North 1/2 part, in width of Lot No. 43 of Morse's Addition to the City of Ypsilanti, Washtenaw County, Michigan according to the recorded Plat thereof. The redemption period shall be 6 months from the date of such sale, unless determined abandoned in accordance with MCLA 600.3241a, in which case the redemption period shall be 30 days from the date of such sale. If the property is sold at foreclosure sale under Chapter 32 of the Revised Judicature Act of 1961, pursuant to MCL 600.3278 the borrower will be held responsible to the person who buys the property at the mortgage foreclosure sale or to the mortgage holder for damaging the property during the redemption period. Dated: December 21, 2015 For more information, please call: FC H (248) 593-1300 Trott Law, P.C. Attorneys For Servicer 31440 Northwestern Hwy Ste 200 Farmington Hills, Michigan 48334-5422 File #458222F01 (12-21)(01-11)

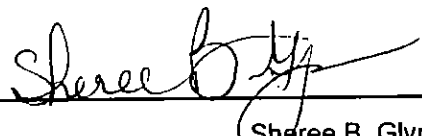
(Affidavit of Posting)

STATE OF MICHIGAN,
ss.
COUNTY OF OAKLAND

Tim Ronayne being duly sworn, deposes that on the 23rd day of December, 2015 A.D, he/she posted a notice, a true copy of which is annexed hereto, in a conspicuous place upon the premises described in said notice by attaching the same in a secure manner to 472 2nd St, Ypsilanti, MI 48197.


 Tim Ronayne

Subscribed and sworn before me on this 29th day of
December 2015 A.D.


 Sheree B. Glynn

Notary Public Oakland County, Michigan. My commission expires: February 5, 2021 . Acting in Oakland County, Michigan.

CHECK IF

- | | | | |
|-------------------------------------|---|--------------------------------------|---|
| ☐ Multi-Unit | ☐ Vacant | ☐ Upper-Unit | ☐ Lower-Unit |
| ☐ Multi-Addr | ☐ Unit 1 | ☐ Unit 2 | ☐ Unit A ☐ Unit B |
| ☐ Condo | ☐ Mobile/Manufactured Home | ☐ No Dwelling | |

Attorney Office: Trott Law P.C. - Trott Law P.C. (team h)
 Attorney File#: 458222F01
 Notice ID: 1260325

458222F01

Kennedy, Norman

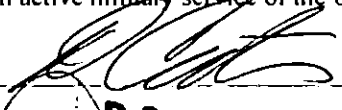
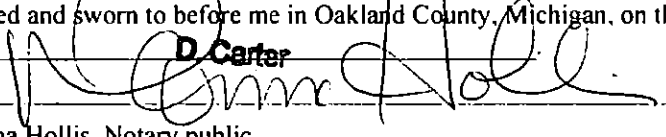
Trott #458222F01

NON-MILITARY AFFIDAVIT
STATE OF MICHIGAN

SS.

COUNTY OF OAKLAND

The undersigned, being first duly sworn, deposes and says that upon investigation she/he is informed and believes that no borrower(s) are currently in active military service of the United States.


 D. Carter
Signed and sworn to before me in Oakland County, Michigan, on this 14 day of January 2016 by

 Donna Hollis

Donna Hollis, Notary public
State of Michigan, County of Oakland
My commission expires July 30, 2022
Acting in the County of Oakland

EVIDENCE OF SALE (Affidavit of Auctioneer)
STATE OF MICHIGAN

SS.

COUNTY OF WASHTENAW

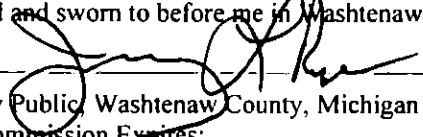
James B. Damron

, being duly sworn, deposes and says that she/he is a Deputy Sheriff of said Washtenaw; that she/he acted as Auctioneer, and made the sale as described in the annexed Deed pursuant to the annexed printed notice: that said sale was opened at 10:00 AM on the 21st day of January, A.D. 2016, at the Main lobby of the Washtenaw County Courthouse, Huron Street entrance, Ann Arbor, Michigan, that being the place of holding the Circuit Court in said Washtenaw County; that the highest bid for the lands and tenements therein described was Sixty-Two Thousand Two Hundred Seventy-Nine and 26/100 Dollars dollars \$62,279.26 made by Wells Fargo Bank, N.A. as Trustee for Bear Stearns Asset Backed Securities I Trust 2004-BO1; that said sale was in all respects open and fair; and that she/he did strike off and sell lands and tenements to said bidders, which purchased the said lands and tenements fairly, and in good faith, as deponent verily believes.

I DO HEREBY CERTIFY that the last day to redeem is July 21, 2016, after which the within Sheriff's Deed will become operative, unless determined abandoned in accordance with MCLA 600.3241a, or unless redeemed according to the law, in such case made and provided.


 James B. Damron

Deputy Sheriff in and for Washtenaw County, Michigan

Signed and sworn to before me in Washtenaw County, Michigan, on 1-21-16

 Notary Public, Washtenaw County, Michigan
My Commission Expires:
Acting in the county of Washtenaw

JERRY L RUPE
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF WASHTENAW
My Commission Expires May 31, 2021
Acting in the County of Washtenaw

Prepared By:

Donna M. Carter (P52369)

Trott Law, P.C.

31440 Northwestern Hwy Ste 200

Farmington Hills, MI 48334-5422

Trott # 458222F01

ATTN REGISTER OF DEEDS: Please send all Redemption notifications and funds collected in your office to Wells Fargo Bank, N.A. as Trustee for Bear Stearns Asset Backed Securities I Trust 2004-BO1 c/o Trott Law, P.C., Post-Sale Unit, 31440 Northwestern Hwy Ste 200, Farmington Hills, MI 48334-5422.

ATTN PURCHASERS: This sale may be rescinded by the foreclosing mortgagee. In that event, your damages, if any, shall be limited solely to the return of the bid amount tendered at sale, plus interest. Please be advised that all 3rd party bidders are responsible for preparing and recording the Sheriff's Deed. TROTT LAW, P.C. Hereby expressly disclaims all liability relating to the foreclosure, preparation and recording of the Sheriff Deed.

AFFIDAVIT OF PURCHASER

The Undersigned, being duly sworn, states as follows:

1. I am an employee of Trott Law, P.C. and am authorized as counsel to submit this Affidavit Of Purchaser. I have knowledge of the facts stated herein and am competent to testify concerning such facts regarding a foreclosure sale scheduled for January 21, 2016 with respect to certain real property (the "Property") commonly known as 472 2nd St.

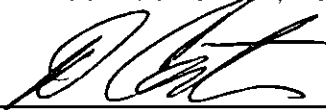
2. **This affidavit may only be recorded and used by Wells Fargo Bank, N.A. as Trustee for Bear Stearns Asset Backed Securities I Trust 2004-BOI in the event it is the successful purchaser of the property on January 21, 2016. No other purchaser may utilize this affidavit.**

3. The last date the Property may be redeemed is July 21, 2016. ANY REDEEMING PARTY SHOULD NOTE THAT THIS DATE MAY CHANGE AS SET FORTH IN SUBSEQUENT AFFIDAVITS OR AS PROVIDED BY APPLICABLE LAW.

4. The amount necessary to redeem the Property is \$62,279.26 (Sixty-Two Thousand Two Hundred Seventy-Nine and 26/100 Dollars), plus interest at a per diem rate of \$15.34 (Fifteen and 34/100 Dollars) from the date of sale to the date of redemption, plus any additional amounts that may be added pursuant to MCL 600.3240(4). ANY REDEEMING PARTY SHOULD NOTE THAT THIS AMOUNT MAY INCREASE to include amounts paid by Wells Fargo Bank, N.A. as Trustee for Bear Stearns Asset Backed Securities I Trust 2004-BOI for taxes, amounts necessary to redeem senior liens, condominium assessments, homeowner association assessments, community association assessments, insurance premiums, or any other amounts as provided by MCL 600.3240(4), as well as interest thereon at the interest rate specified in the mortgage from the date of payment to the date of redemption.

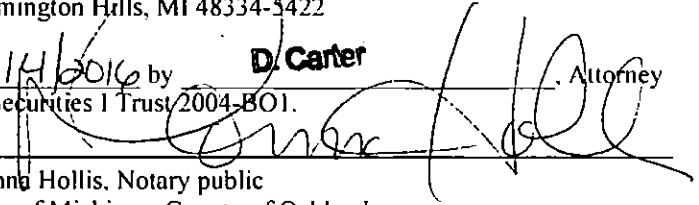
5. Wells Fargo Bank, N.A. as Trustee for Bear Stearns Asset Backed Securities I Trust 2004-BOI has designated Trott Law, P.C. as its designee responsible to assist an appropriate person redeeming the Property in computing the exact amount required to redeem the Property and to receive redemption funds. If you choose to utilize this assistance, contact Trott Law, P.C. at **RedemptionFigures@trottlaw.com** or by phone at (248) 593-1308. Pursuant to statute, Trott Law, P.C. will charge a fee of \$150.00 (One Hundred Fifty And 00/100 Dollars) if you opt to use this assistance.

FURTHER DEPONENT SAYETH NOT.


D. Carter

Attorney For Wells Fargo Bank, N.A. as Trustee for Bear Stearns
Asset Backed Securities I Trust 2004-BOI
Trott Law, P.C.
31440 Northwestern Hwy Ste 200
Farmington Hills, MI 48334-5422

Signed and sworn to before me in Oakland County, Michigan, on 1/14/2016 by D. Carter, Attorney
for Wells Fargo Bank, N.A. as Trustee for Bear Stearns Asset Backed Securities I Trust 2004-BOI.


Donna Hollis, Notary public
State of Michigan, County of Oakland
My commission expires July 30, 2022
Acting in the County of Oakland

Trott #458222F01 Norman Kennedy, Mortgagor(s).

Loan # 359062165

L: 5201 P: 612 6368307 D

04/14/2017 04:19 PM Total Pages: 3

Lawrence Kestenbaum, Washtenaw Co



Receipt# 17-9020, 17-9020-C1 6368307

04/14/2017 Washtenaw Co, Michigan

Real Estate Transfer Tax

Tax Stamp #

County Tax: \$25.85 State Tax: \$176.25



(3)

QUIT-CLAIM DEED

Parcel # 11-11-39-285-012

Loan # 359062165

THIS INDENTURE, Made on the 10 day of February A.D. 20 17 by and between THE GRANTOR Wells Fargo Bank, N.A. as Trustee for Bear Stearns Asset Backed Securities I Trust 2004-BO1, By: Ocwen Loan Servicing, LLC, as Attorney-In-Fact, whose mailing address is C/O Ocwen Loan Servicing LLC, 1661 Worthington Road Suite #100, West Palm Beach, Florida 33409 party of the first part, and THE GRANTEE Castlerock 2017, LLC party of the second part, whose address 333 Westchester Ave West Building STE W2100 White Plains, NY 10604 is here to mail future tax bills.

WITNESSETH, that the said part of the first part, in consideration of the sum of Twenty Three Thousand Four Hundred Eighty Dollars and No Cents and 00/100 (\$23,480.00) Dollars, to be paid by the said party of the second part (the receipt of which is hereby acknowledged) does by these presents REMISE, RELEASE AND FOREVER QUIT CLAIM unto the said party of the second part the following described lots, tracts or parcels of land, lying, being and situate in the County of **Washtenaw** and state of MI, to wit :

SEE ATTACHED EXHIBIT "A"

Commonly known as: 472 2nd Street, Ypsilanti, MI 48197

AND BEING the same property conveyed to the Grantor herein by virtue of that certain Sheriff's Deed Recorded on 02/03/2016 in Deed Book : 5135 Pg: 279, among the aforesaid land records.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal on the day and year above written

Deed Prepared by:

Premium Title Services, Inc
1000 Abernathy Road NE
Suite 200
Atlanta, GA 30328

Record & Return To:

Castlerock 2017, LLC
333 Westchester Ave
West Building STE W2100
White Plains, NY 10604

Sent Tax Bills To:

Castlerock 2017, LLC
333 Westchester Ave
West Building STE W2100
White Plains, NY 10604

RECORDING REQUESTED BY AND AFTER RECORDING RETURN TO:

UPF WASHINGTON INC
12410 E MIRABEAU PKWY #100
SPOKANE VALLEY WA 99216
REF # 489362

Time Submitted for Recording
Date 4-14-2017 Time 11:00
Lawrence Kestenbaum
Washtenaw County Clerk/Register

Time Submitted for Recording
Date 3-17-17 Time 9:48 AM
Lawrence Kestenbaum
Washtenaw County Clerk/Register



Loan # 359062165

THIS INSTRUMENT IS BEING RECORDED AS AN ACCOMMODATION ONLY, with no Representation as to its effect upon title, NO TITLE INSURANCE ISSUED!

Brian Ader
 Witness Brian Ader
 (Print Name Under Signature)

Wells Fargo Bank, N.A. as Trustee for Bear Stearns
 Asset Backed Securities I Trust 2004-BO1, By:
 Ocwen Loan Servicing, LLC, as Attorney-In-Fact

By: Katherine Burgos Katherine Burgos
 Contract Management Coordinator
 Title: _____
 Ocwen Loan Servicing, LLC, Its Attorney-in-fact,

ACKNOWLEDGEMENT

STATE OF FLORIDA

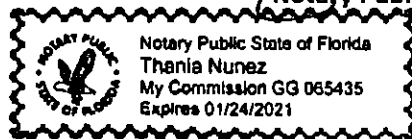
COUNTY OF PALM BEACH

I certify that on this 10 day of February, 20 17, before me, the subscriber, a Notary Public of the State aforesaid, personally appeared Katherine Burgos
 Title: Contract Management Coordinator of Ocwen Loan Servicing, LLC, Attorney-in-Fact for Wells Fargo Bank, N.A. as Trustee for Bear Stearns Asset Backed Securities I Trust 2004-BO1 whose name is subscribed to the within instrument, and acknowledged the foregoing deed to be his ~~her~~ act under the authority of the Grantor and also certify, under penalties of perjury, that he ~~she~~ is duly authorized to execute same and that the consideration recited herein is true and correct.

01/14/17
 Personally Known To Me

Thania Nunez
 Notary Public

My term expires: _____



Loan # 359062165

EXHIBIT "A"

LEGAL DESCRIPTION

SITUATED IN THE CITY OF YPSILANTI, COUNTY OF WASHTENAW, MICHIGAN DESCRIBED AS:

THE NORTH ½ PART, IN WIDTH OF LOT NO. 43 OF MORSE'S ADDITION TO THE CITY OF YPSILANTI, WASHTENAW COUNTY, MICHIGAN ACCORDING TO THE RECORDED PLAT THEREOF.

TAX ID: 11-11-39-285-012

Receipt# 17-10925 6371451
05/02/2017 Washtenaw Co, Michigan
Real Estate Transfer Tax
Tax Stamp # 434762
County Tax: \$38.50 State Tax: \$262.50



6371451 L: 5204 P: 759 D
Total Pages: 3 05/03/2017 04:28 PM
Lawrence Kestenbaum
Washtenaw County, Michigan



COVENANT DEED

The Grantor(s): **Castlerock 2017 LLC, a New York limited liability company**
whose address is 333 Westchester Avenue, Suite W2100, White Plains, NY 10604
Convey to: **Howard W. Hane and Shawn Hane**

whose address is 1784 Sheffield Drive, Ypsilanti, MI 48198
the following described premises situated in the City of Ypsilanti, County of Washtenaw and State of Michigan, to-wit:

The North 1/2 of Lot 43, Morse's Addition to the City of Ypsilanti, as recorded in Liber 67 of Deeds, Page 382, Washtenaw County Records.

Commonly known as: **472 2nd St., Ypsilanti, MI 48197**
Tax parcel number: **11-11-39-285-012**

Washtenaw County Treasurer
Tax Certificate NO: 112896CS

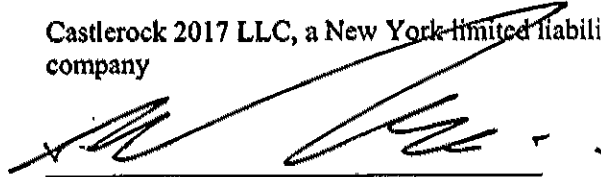
For the sum of: Thirty Five Thousand and 00/100 Dollars (\$35,000.00)

Subject to: the existing building and use restrictions, easements, and zoning ordinances, if any, and subject to the lein of taxes or assessments not yet due and payable. Castlerock 2017 LLC, a New York limited liability company covenants that it has not done or committed, or allowed to be done or committed, any act or matter that would cause the title to the premises, or any part of the premises, to be encumbered or adversely affected. Castlerock 2017 LLC, a New York limited liability company will defend the premises against lawful claims and demands of all persons claiming through Castlerock 2017 LLC, a New York limited liability company but against no other claims, demands or persons.

Dated: April 21, 2017

Seller(s):

Castlerock 2017 LLC, a New York limited liability company


by Victor Naar, manager

STATE OF NY)
COUNTY OF Westchester) ss.

Acknowledged by Victor Naar, ^{manager} of Castlerock 2017 LLC, a New York limited liability company before me on the 21st day of April, 2017.


e Kristina Poltrack Notary Public
Acting in Westchester County, NY
My commission expires: DEC. 16, 2017 County



Drafted by: Victor Naar, 472 Second Ave., Ypsilanti MI 48197

When recorded return to: Howard W. Hane, 472 2nd St., Ypsilanti MI 48197

Assessing documentation of principal residence exemption history

Parcel #: **11-11-39-285-012** Unit: **11** Flag:

Owner: **HANE, HOWARD-SHAWN** Address: **472 SECOND AVE** Property Zip: **48197**

1. General 2. Owner Info.(*) 3. Tax Info. 4. PRE: 0 5. Misc. 6. Linked App Info 7. Attach [2] 8. Sketches [1]

Copy Attachment [0]... Comments... Dwelling Units:

Prev. Owner: **HANE, HOWARD-SHAWN** ☐ Exclude from Questionable PRE Report

PRE Applicant: ☐ Adjacent Exemption ☐ Life Estate

Princ. Residence Exemption

Ql Ag/First/MBT: ☒ Exemption Filed

Exempt. %: **82.0000**

Eff. Date: **12/19/2002**

Eff. Year: **2002**

Modified By: **Assessor**

☒ Rescind Filed

Prev. PRE %: **82.0000**

Date Rescd: **04/21/2017**

Rescind Year: **2018**

Orig. Tax Yr: **2002**

Rescind By: **Assessor**

☐ Exemption/Ag. Denied

% Before Deny: **0.0000**

% After Deny: **0.0000**

Date Denied: **/ /**

Denied By:

Tax Yr Denied: **0**

Reason Denied:

Foreclosure Information

☐ Initial June Foreclosure Date: **/ /** Percent: **0.0000**

☐ Subsequent Year Foreclosure Date: **/ /** Percent: **0.0000**

Year	Orig. PRE	June Adj. PRE	Final PRE	Revised By	Revised Date	Adjust...
2020	0.0000	-	-	-	-	Adjust...
2019	0.0000	0.0000	0.0000			Adjust...
2018	0.0000	0.0000	0.0000			Adjust...
2017	0.0000	0.0000	0.0000			Adjust...
2016	82.0000	82.0000	82.0000			Adjust...
2015	82.0000	82.0000	82.0000			Adjust...
2014	82.0000	82.0000	82.0000			Adjust...
2013	82.0000	82.0000	82.0000			Adjust...
2012	82.0000	82.0000	82.0000			Adjust...
2011	82.0000	82.0000	82.0000			Adjust...
2010	82.0000	82.0000	82.0000			Adjust...

June 20, 2003

KENNEDY NORMAN E
472 SECOND
YPSILANTI MI 48197

*9/11/03 OWNER WILL FURNISH
AFFIDAVIT THE 100% OF STRUCTURE
WILL BE OWNER OCCUPIED, THEN
DROP FROM RENTAL PROGRAM*

SUBJECT: RE-SCHEDULED INSPECTION - 472 SECOND 2/0

Per your request, we are re-scheduling your re-certification re-inspection appointment of the above rental property. Your inspection will now be conducted on **THURSDAY, SEPTEMBER 11, 2003 @ 2:15 pm**. Due to the increased number of re-certifications (3 or more rental dwelling units) and new certifications (single and two unit rentals), we will **not be able to grant any further requests for re-scheduling appointments**.

Be advised that City Ordinance 732 regulates the tenant's rights to privacy. The property owner must give tenants at least **seventy-two (72) hours written notice** for the inspection date. Should you fail to provide proper notice to the tenants and they refuse to allow the inspection, you will be charged a **NO-SHOW** inspection fee of \$ **50.00 per unit**.

Failure to keep the above appointment will result in this office requesting an Administrative Search Warrant, which if granted, will allow this inspection without your consent. Should we obtain a search warrant, you will be charged an inspection fee of **\$50.00 per unit**

We look forward to conducting this inspection in accordance with enforcement of City code requirements and to issuing your Certificate of Compliance and Occupancy Permit within the immediate future.

Sincerely,

CITY OF YPSILANTI

Vickie Bailey, Secretary

NOTE: It is the responsibility of the property owner to notify this office of any changes in ownership, address or management and to file an up-to-date Property Owner Registration form.

City of Ypsilanti

Building Department

One South Huron St.

Ypsilanti, MI 48197

Ph: (734) 482-1025 Fax: (734) 483-7444

Certificate of Compliance & Occupancy

Property Address

472 SECOND

HANE, HOWARD-SHAWN
1784 SHEFFIELD DR
YPSILANTI MI 48198

HANE, HOWARD-SHAWN
1784 SHEFFIELD DR
YPSILANTI MI 48198

The above structure substantially complies with the minimum requirements of the City of Ypsilanti Property Maintenance Code and may be used for the number of apartments and rooms as indicated.

This Certificate Does Not Represent Compliance With The Americans With Disabilities Act Of 1991. This certificate only applies to the structure's use under the Building Codes and in no way does it approve the use under the city's Zoning Ordinance. Zoning approval can only be issued by the City Planner. All zoning questions should be referred to the Planning & Development Department at (734) 483-9646.

Reminder: All battery powered smoke detectors must be equipped with a minimum 5 year battery

Certificate #: C862-18-0538

Apartments/Rooms: 1

Issued: 02/27/19

Certification Period 02/01/19 - 08/01/19

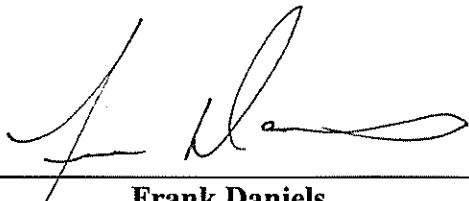
Certificate expires at the end of certification period.

TEMPORARY CERTIFICATE GOOD THROUGH AUGUST 1, 2019 UNLESS FOLLOWING STIPULATION(S) APPROVED:

- 1) ACCESSORY STRUCTURE TO BE IN GOOD REPAIRED AND STRUCTURALLY SOUND.
- 2) SINGLE FAMILY HOME ONLY (NOT A DUPLEX) 09/17/2003.
- 3) UNPAID INVOICE(S). PLEASE SEE ENCLOSED INVOICE(S). PLEASE BE ADVISED IF PAYMENT IS NOT RECEIVED BY THE DUE DATE A 50% LATE FEE WILL BE ASSESSED.

CALL/EMAIL DEPT. WHEN COMPLETE BEFORE EXPIRATION.

DUE TO TWO (2) BOILER REPLACEMENT UNDER PERMIT #PMECH-17-0387 NEXT HVAC CERTIFICATION REQUIRED NOVEMBER 2022



Frank Daniels
Building Department Manager