

MEMORANDUM
CITY OF GROSSE POINTE WOODS
BUILDING DEPARTMENT

DATE: October 20, 2021
TO: Planning Commission
FROM: Gene Tutag, Building Official
SUBJECT: Appeal of Determination, 1469 Hawthorne

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David and Audrey Haynes have filed an appeal of a certificate of occupancy inspection that took place on September 23, 2021.

The petitioners are asking that the city be responsible for costs due to the allegation of negligence of a former city employee as stated in the attached correspondence dated October 1, 2021. The petitioners are not appealing any of the actual violations found during the initial inspection, and a re-check inspection is scheduled for Friday October 22, 2021.

The applicable code is **Section 8-68. – Appeal of Determination.**

(a) Appeal of determination to planning commission. Any person who feels aggrieved by any notice of defect or with any determination made by the division of safety inspection under the provisions of this article shall have the right to appeal such notice of defect or determination by filing a notice of appeal to the planning commission, along with an appeal hearing fee as currently established or as hereafter adopted by resolution of the city council from time to time, payable to the city. Such notice of appeal shall be in the form of a letter to be filed with the city clerk within ten days from the date of the notice, violation or determination being appealed and shall state the petitioner's reasons for such appeal. Upon receipt of notice of appeal, the planning commission shall conduct a hearing at its next regular meeting. The petitioner and a representative of the division of safety inspection may present such information at appeal. The planning commission shall, by majority vote of the commissioners in attendance, determine whether the notice of defect or determination made by the division of safety inspection shall be modified, vacated or remain as issued.

On September 28, 2021, I met with the petitioner to go over and walk through the list of violations, it was found that none of the items listed were in error, excessive, or can be waived as they are legitimate city and state code violations as well as life safety requirements.

City records indicate that work was done at this property without permits in 2019.

The planning commission does not have the authority or funds to reimburse homeowners for costs associated with required city inspections.

The intent of the appeal process is not to grant financial relief or set aside a code requirement, it is to provide a means of reviewing a code official's decision on an interpretation or application of the code.

A denial of the request is recommended.

Attachments:

- *Stop Work Order E190935*
- *Gazebo Permit PB210841*
- *Violation List 09/23/2021*
- *Section 8-68, Appeal of Determination*



City of Grosse Pointe Woods

Building Department
20025 Mack Plaza
Grosse Pointe Woods, MI 48236

Phone:(313) 343-2426
Fax: (313) 343-2439
Invoice# 00050910

Building Permit No: PB210841

1469 HAWTHORNE RD
Parcel Number: 004 05 0028 000
GROSSE POINTE WOODS 48236

Issued: 10/11/21
Expires: 10/11/22
Const value: 0
Zoning:
Owner

Contractor

HAYNES, DAVID A
1469 HAWTHORNE RD
GROSSE POINTE WOODS, MI.

(REDACTED)

PLEASE CALL (313) 343-2426 FOR AN INSPECTION 24 HOURS IN ADVANCE

Work Description: Gazebo (previously installed) by homeowners David and Audrey Haynes.

Stipulations: Final Inspection required - Please call the Building Dept. clerks at LEAST 24 hours in advance to schedule - 313-343-2426

Permit Item	Work Type	Fee Basis	Item Total
Building Permit	Standard Item	1.00	\$50.00

Fee Total: \$50.00

Building Official

Balance Due: \$0.00

I agree this permit is only for the work described, and does not grant permission for additional or related work which requires separate permits. I understand that this permit will expire, and become null and void if work is not started within 180 days, or if work is suspended or abandoned for a period of 180 days. Required inspections shall be requested in conformance with the applicable code. I hereby certify that the proposed work is authorized by the owner, and that I am authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of the State of Michigan and the local jurisdiction. All information on the permit application is accurate to the best of my knowledge.

Payment of permit fee constitutes acceptance of the above terms. **X**

GROSSE POINTE WOODS BUILDING DEPARTMENT
SALE/RENTAL VIOLATIONS LIST
MUST BE IN ACCORDANCE WITH GPW ORDINANCE - CHAPTER 8

Available for viewing on City's Website: www.gpwmi.us

ADDRESS:	1469 Hawthorne
NAME/APPLICANT:	Audrey & David Haynes
PERMIT/CERTIFICATE #:	PS210288
INSPECTOR:	Jeremy Collins
DATE OF INSPECTION:	9-23-2021
CORRECT & CALL FOR REINSPECTION BY:	12-23-2021

OFFICE USE:	I HAVE REVIEWED THE PROPERTY FILE FOR THIS ADDRESS FOR OUTSTANDING & CLOSED OUT PERMITS & ENFORCEMENTS.	Initial
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		<u>BUILDING</u>
X	B-1	Install spark screen on chimney tops to code (1/2" galvanized mesh to extend at least 6" above flue liner). 2 at rear chimney
X	B-2	Scrape, paint, putty where loose or missing outside. At left side chimney. At ceiling above side entry. Around garage overhead doors. At garage windows.
X	B-4A	Driveway cement is broken/sunken (1/2" max differential levels) and must be replaced. (PERMIT REQUIRED) 2 slabs in front of right side garage overhead door. Mudjack front walk-1st and 2nd slabs from porch.
X	B-5	Garage overhead/service door to operate properly. Install safety reverse sensors at both garage doors. Large gap under right side door-replace seal. — OK per Building Official Tutag – Stops when object sensed.
X	B-6	Install smoke alarms on each floor, each bedroom, and basement (must be within 10' of bedroom doors). All to be complete and operational. (12/2019) Basement smoke alarm needs new battery. Install in both 1st floor bedrooms.
X	B-7	Replace all broken or cracked glass. At garage window. 2 panes
X	B-9	Remove non-conforming fence (IF REPLACED, PERMIT IS REQUIRED) Stockade fencing along rear fence line
X	B-10	Remove all firewood from the ground
X	B-16	Remove Debris: From around the furnace (boxes)

X	B-17	Obtain permit for pergola/covered patio structure in rear yard
X	B-19	Trim trees, cut grass, remove noxious weeds, shrubs, etc. Cut the shrubs from the structure
X	B-20	Clean gutters & downspouts.
X	B-22	Repair the sistered joists at the garage ceiling so that the new joist extends across entire span.
X	B-23	Repair the block walls at garage rear wall upper area around duct pipes
X	B-24	Repair floor around piping in bedroom closet.
X	B-25	Seal piping/repair ceiling at closet in 1st floor bedroom
X	B-27	Repair Chimney.
X	B-28	Repair the damaged/cracked garage walls. (Wall with window)
		<u>ELECTRICAL</u> PERMIT REQUIRED BY LICENSED ELECTRICAL CONTRACTOR (Eff. 11-22-05: Violations with * have ADDITIONAL line item fee/s on TITLE VII Electrical Permit)
X	E-4	Remove all extension cords. At sump pump. Garage.
X	E-5(P)	Correct ROMEX violations: Exposed wiring at wall in storage closet needs to be in conduit or similar. Exposed wiring on wall outside of cedar closet and at ceiling in furnace area needs to be in conduit or similar. Staple hanging Romex at garage ceiling.
X	E-8	Remove: Unused fluorescent fixture from furnace room ceiling.
X	E-9(P)	Wire to code: Lights in laundry. Must have at least one receptacle installed in basement bath.
X	E-10	Correct polarity Rear exterior GFCI receptacle
	E-11	Eliminate pendant plugs:
X	E-12	Eliminate pendant lights: Basement
X	E-15	All three wire receptacles must be properly grounded or replaced with two wire at and throughout house as needed. At laundry ceiling. 1st floor hallway. Bedrooms. Living room
X	E-17	Re tape the connections at the service drop
X	E-18	Replace missing or broken wall plates. Install covers at junction boxes in basement storage closet, at junction box on duct work across from water heater
X	E-19	All plugs within 6 feet of a sink must be GFCI protected. Also, all laundry, exterior and garage plugs must be GFCI protected. Garage. At left of laundry sink, above laundry sink. Next to 1st floor toilet.

X	E-23	Lamps of all clothes closet fixtures to be totally enclosed. Incandescent fixtures with open or partially enclosed lamps and pendant fixtures or lamp holders SHALL NOT BE PERMITTED. Basement storage closet. Basement cedar line closet. Need cover at 2nd floor right bedroom fixture.
X	E-27	Replace any painted switches or receptacles. 2nd floor left bedroom, switch at left side of basement, receptacle and switch in laundry area, switch in 1st floor bedroom
X	E-28	Properly install receptacle box in 1st floor front bedroom
X	E-29	Remove the screw in receptacle at the garage light fixture
X	E-30	Install KO plug covers at Junction box in basement storage closet, ceiling box at right of water heater
		<u>PLUMBING</u>
X	P-1	Install vacuum breakers on all outside & laundry tub hose faucets (not on hoses to washer). Laundry sink faucet
X	P-10	Install screens at exterior furnace vent/intake pipes. Debris observed in pipes.
X	P-11	Seal around water heater exhaust vent pipe at the chimney termination
X	P-12	Install air gap device at dishwasher

Note: This notice does not constitute any Representation or Warranty as to the condition of the dwelling or other structures on said premises described herein (or any aspect of such condition) and interested persons are advised and encouraged to make their own inspection of the premises in order to determine the condition thereof. Copies of this inspection report are available to interested parties at the office of the Division of Safety Inspection. Ref: GPW Ord. Sections 8-68(a) Appeal of Determination letter to Planning Commission (\$25) and #8-69(b) Appeal of Determination to City Council (\$25). Appeal required within 10 days of this notice.

Sec. 8-68. - Appeal of determination.

- (a) *Appeal of determination to planning commission.* Any person who feels aggrieved by any notice of defect or with any determination made by the division of safety inspection under the provisions of this article shall have the right to appeal such notice of defect or determination by filing a notice of appeal to the planning commission, along with an appeal hearing fee as currently established or as hereafter adopted by resolution of the city council from time to time, payable to the city. Such notice of appeal shall be in the form of a letter to be filed with the city clerk within ten days from the date of the notice, violation or determination being appealed and shall state the petitioner's reasons for such appeal. Upon receipt of notice of appeal, the planning commission shall conduct a hearing at its next regular meeting. The petitioner and a representative of the division of safety inspection may present such information at appeal. The planning commission shall, by majority vote of the commissioners in attendance, determine whether the notice of defect or determination made by the division of safety inspection shall be modified, vacated or remain as issued.
- (b) *Appeal of determination to city council.* Any person, who feels aggrieved by a decision of the planning commission shall have the right to appeal such decision to the city council by filing a notice of appeal to such city council, along with an appeal hearing fee in the amount as currently established or as hereafter adopted by resolution of the city council from time to time, payable to the city. Such notice of appeal shall be in the form of a letter to be filed with the city clerk within ten days from the date of the notice, violation of determination being appealed and shall state the petitioner's reasons for such appeal. Upon receipt of notice of appeal, the city council shall conduct a hearing at its next regular meeting. The petitioner and a representative of the division of safety inspection may present such information at appeal. The city council shall, by majority vote of the commissioners in attendance, determine whether the notice of defect or determination made by the division of safety inspection shall be modified, vacated or remain as issued.

(Code 1997, § 10-245; Ord. No. 747, § 1, 5-15-2000)