

## TOOLS

DENIAL IF NOTICE TO PROCEED BECAUSE IT IS NOT A HAZARD

- **A hazard to the public or occupants** – alternatives to demolition:
  - Not a trespasser
  - Is the building occupied?
  - Can the public be protected by barriers?
  - Can deny if the new construction proposed is not compatible.  
*Glen Ann Place v Ann Arbor*, HDC No. 06-012-HP.

## TOOLS

### DENIAL OF NOTICE TO PROCEED BECAUSE IT IS NOT A FINANCIAL HARDSHIP TO RETAIN THE RESOURCE

- **Hardship to the owner**, not just the LLC. Bring in tax returns, and investment portfolio submitted to bank.
- **Condition beyond the control of the owner** (not demolition by neglect). *Electrolux v City of Belding*. The building could not be sold due to contamination caused by the owner.
- **All alternatives to demolition considered**: such as offering for sale, moving the resource
- **Cost to stabilize not to make useful**.

## TOOLS

### RETAINING THE RESOURCE IS IN THE PUBLIC INTEREST

- Order of Condemnation from the Building Department does not create a right to demolish. *Murray v Kalamazoo HDC*.
- Building Officials Opinion: “even if the building were to be rehabilitated it could fall short of fire safety requirements. The property must be demolished when there is no feasible alternative.” *City Gross Pointe Park v Detroit Historic Commission*, 2012.