



CONSTRUCTION BOARD OF APPEALS

October 8, 2015

CITY OF PORTAGE
CONSTRUCTION BOARD OF APPEALS

A G E N D A

October 8, 2015

The City of Portage Construction Board of Appeals will hold a meeting on October 8, 2015 at 5:00 PM in Conference Room 1, Portage City Hall, 7900 South Westnedge Avenue.

APPROVAL OF MINUTES:

*June 15, 2015

OLD BUSINESS:

None

NEW BUSINESS:

*5213 Bonte Drive, 5125 Valk Street & 4209 Twin Terrace – Show Cause Hearing

*1910 Ramona Avenue – Show Cause Hearing

STATEMENT OF CITIZENS:

ADJOURNMENT:

Material Transmitted

Star (*) indicates printed material within the agenda packet.

CITY OF PORTAGE CONSTRUCTION BOARD OF APPEALS

Minutes of Meeting – June 15, 2015

DRAFT

The City of Portage Construction Board of Appeals meeting of June 15, 2015 was called to order at 5:00 PM in Conference Room #1 of Portage City Hall, 7900 South Westnedge Avenue, Portage, Michigan.

MEMBERS PRESENT:

Peter Carlson, Gary Gilchrist, William Leach, Barney Martlew, Lawrence Schmidt, George Theodoru,

MEMBERS ABSENT:

None

MEMBERS EXCUSED:

None

IN ATTENDANCE:

Terry Novak, Deputy Director of Building and Housing Services, Mike Beery, Building Inspector

APPROVAL OF MINUTES:

The minutes of May 5, 2015 were approved.

BOARD ACTION:

*5523 Monticello Avenue – Raze Order

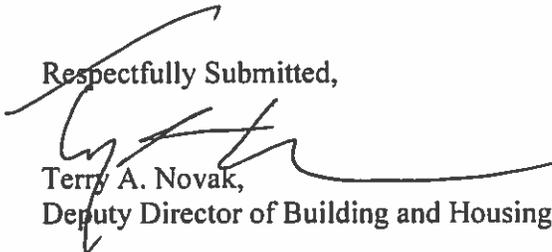
Chairman Schmidt introduced the item to the Board. Deputy Director Novak provided background information pertaining to the house and property. Deputy Director Novak also advised that the owner of the property, Jerry Richter, was deceased and efforts to obtain assistance from the surviving relatives to correct violations associated with the property were unsuccessful. Deputy Director Novak added that ongoing abatement activity for the property by the city has been necessary for junk and debris located in the house and for the exterior property, for the mowing of tall grass and weeds and to secure the house from casual entry. The Board was advised that the property has essentially been abandoned and is continuing to deteriorate due to a lack of maintenance. Building Inspector Beery informed the Board of the current condition of the house and the associated defects.

After further discussion, a motion was made by Member Gilchrist that the property owner's authorized agent be provided 15-days to repair the house so that it can be occupied or the structure be razed. Failure to comply with the order will require that the matter be referred to City Council with a recommendation that the city be authorized to demolish and remove the house. Any and all costs incurred for such action shall be due and payable to the city per the Unsafe Structure Ordinance. Member Leach seconded the motion and it passed unanimously.

ADJOURNMENT:

The Board meeting adjourned at 5:25 PM

Respectfully Submitted,



Terry A. Novak,
Deputy Director of Building and Housing Services

TO: Construction Board of Appeals
FROM: Vicki Georgeau, ^{VJ} Director of Community Development
DATE: September 30, 2015
SUBJECT: Show Cause Hearing – 5213 Bonte Drive, 5125 Valk Street and 4209 Twin Terrace

CODE SECTION: Article 13, Section 42-1341 - Unsafe Structures, City of Portage Codified Ordinances

The dilapidated manufactured dwellings located at 5213 Bonte Drive, 5125 Valk Street and 4209 Twin Terrace within Colonial Acres have not been made habitable or safe in accordance with the provisions of the Codified Ordinances of the City of Portage.

In compliance with the Unsafe Structure Ordinance, July 16, 2015 and August 11, 2015 Unsafe Structure notices for six manufactured dwelling units were sent certified mail and posted at the sites. The notices advised that the property owner had 30-days to bring the dwelling units into compliance or further enforcement action would be pursued. To date, only three of the six units cited have been removed. Because of the lack of compliance, a September 21, 2015 Show Cause Hearing notice was transmitted and posted.

The condition of the three remaining manufactured dwellings serves as an attractive nuisance. The units are in poor, non-habitable condition due to a lack of maintenance/repair and create a negative impact on the surrounding neighborhood. Because of this detrimental effect, and lack of proactive response from the property owner, corrective action is necessary for neighborhood protection purposes.

It is recommended that the Construction Board order the manufactured dwelling units located at 5213 Bonte Drive, 5125 Valk Street and 4209 Twin Terrace be repaired for occupancy, or razed and removed from the site within 15-days. Failure to comply with the order will result in the matter being referred to City Council with a recommendation that the city be authorized to raze and remove the dwelling. Any and all costs incurred for such action shall be due and payable as permitted in the City of Portage Unsafe Structure Ordinance.

Attachments: Vicinity map of 5213 Bonte Drive, 5125 Valk Street and 4209 Twin Terrace.
Show Cause Hearing notification dated September 21, 2015.
Unsafe structure notifications dated July 16, 2015 and August 11, 2015.
Photographs of 5213 Bonte Drive, 5125 Valk Street and 4209 Twin Terrace.





Department of Community Development

September 21, 2015

Sent Certified Mail and Posted on Site

Ms. Michelle Gicopoulos
Colonial Acres Associates, LLC
31200 Northwestern Highway
Farmington, MI 48334

Dear Ms. Gicopoulos:

RE: Notice of Show Cause Hearing – 5213 Bonte Drive, 5125 Valk Street and 4209 Twin Terrace

The manufactured dwellings located at 5213 Bonte Drive, 5125 Valk Street and 4209 Twin Terrace have not been made safe or repaired in accordance with the provisions of the Codified Ordinances of the City of Portage, Michigan. The current condition of the manufactured dwellings, as identified in the July 16, 2015 and August 11, 2015 Unsafe Structure Notices, is unsafe and unfit for human occupancy as defined in Section 42-1341 of the City of Portage Code of Ordinances.

As a result of these continued violations, you are hereby notified that a hearing on the condition of the manufactured dwellings at 5213 Bonte Drive, 5125 Valk Street and 4209 Twin Terrace will be held before the Construction Board of Appeals at 5:00 P.M. on October 8, 2015. The meeting will be held in Conference Room One of Portage City Hall, 7900 South Westnedge Avenue, Portage, Michigan. At this hearing, you will have the opportunity to show cause as to why the manufactured dwellings should not be ordered demolished/removed from the site or otherwise made safe. The owner and any occupant of the manufactured dwellings shall have the right at the hearing to cross-examine witnesses who testify against the owner's and/or occupant's interests and the right to produce witnesses on your own behalf, including the use of pictures, video tapes or other recording devices.

The decision of the Construction Board of Appeals may be appealed to City Council for review within ten (10) days after the decision of the Board and, after review by Council, may be appealed to the Kalamazoo County Circuit Court within twenty (20) days after the decision of the Council.

If you have any questions, please contact the Division of Building and Housing Services, Department of Development, 329-4477.

Sincerely,


Vicki Georgeau, AICP
Director

Attachment: Copy of July 16, 2015 and August 11, 2015 Unsafe Structure Notices

C. Colonial Acres, 5374 Deadwood Drive E, Portage, MI 49002

cc: mmiller@swistakleyinc.com

Terry A. Novak, Deputy Director of Building and Housing Services
Christopher Forth, Deputy Director of Planning, Development and Neighborhood Services

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Department of Community Development

August 11, 2015

Sent Certified Mail and Posted on Site

Ms. Michelle Gicopoulos
Colonial Acres Associates, LLC
31200 Northwestern Highway
Farmington, MI 48334

 COPY

Dear Ms. Gicopoulos:

RE: Unsafe/Unfit Structures Notice – 4209 Twin Terrace

The City of Portage property maintenance regulations require that buildings and properties be maintained and repaired in the interests of protecting the health, safety and welfare of the occupants of the building and surrounding neighborhood. The current condition of the manufactured dwelling at the above referenced property is unsafe and unfit for human occupancy as defined in Section 42-1341 of the City of Portage Code of Ordinances. A recent inspection of the dwelling and property determined that the following items were in need of correction:

1. Several areas in the ceiling and walls have been damaged and are missing wallboard and insulation. The ceiling is severely water damaged.
2. There are holes in the floor of the unit that are open to the exterior.
3. Electrical wiring in the unit is damaged, exposed and unsafe.
4. The kitchen and bathroom facilities are not functional and unsanitary.
5. Required electrical, plumbing and mechanical fixtures required for the unit to be habitable are missing/damaged.

Your effort to have the above listed violations corrected within thirty (30) days from the date of receipt of this notice is necessary to avoid enforcement action. Please be advised that construction permits will need to be obtained for the necessary work. If corrective action is not initiated, the matter may be scheduled before the Construction Board of Appeals seeking a demolition order. The costs of the demolition order shall be due and payable by the property owner or as a lien placed against the property.

If you have any questions or need further information, please contact the Department of Community Development at 269-329-4466.

Sincerely,


Vicki Georgeau, AICP
Director

C. Colonial Acres, 5374 Deadwood Drive W, Portage, MI 49002

Ec. mmiller@swistaklevine.com
Terry Novak, Deputy Director of Building and Housing Services

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7900 South Westnedge Avenue ♦ Portage, Michigan 49002 ♦ (269) 329-4477
www.portagemi.gov

July 16, 2015

Sent Certified Mail and Posted on Site

Ms. Michelle Gicopoulos
Colonial Acres Associates, LLC
31200 Northwestern Highway
Farmington, MI 48334

Dear Ms. Gicopoulos:

RE: Unsafe/Unfit Structures Notice – 5213 Bonte Drive; 5247 Bonte Drive; 4076 Donovan Drive;
5245 Kibbys Circle & 5125 Valk Street.

The City of Portage property maintenance regulations require that buildings and properties be maintained and repaired in the interests of protecting the health, safety and welfare of the occupants of the building and surrounding neighborhood. The current condition of the manufactured dwelling at the above referenced properties is unsafe and unfit for human occupancy as defined in Section 42-1341 of the City of Portage Code of Ordinances. A recent inspection of the dwellings and property determined that the following items were in need of correction:

5213 Bonte Drive:

1. The unit is open to casual entry.
2. Several areas of the ceiling in the unit have collapsed. The ceiling is believed to be severely water damaged.
3. Electrical wiring in the unit is exposed and damaged.
4. Interior walls in the unit are damaged leaving exposed insulation, electrical wiring and piping.
5. Exterior doors and windows for the unit are missing or broken.
6. Confirmation the unit is properly connected to the sanitary sewer system is needed.

5247 Bonte Drive:

1. The unit is open to casual entry.
2. The front porch and the rear landing (required exit ways for the unit) have been removed.
3. Electrical wiring within the unit is exposed and damaged.
4. The furnace for the unit has been removed.
5. Exterior doors, windows and siding have been removed.
6. The storage shed on the property is located too close to the unit and is also in disrepair.

4076 Donovan Drive:

1. The unit is open to casual entry.
2. The doors and windows for the unit need to be repaired/replaced.
3. The roof is in poor condition/sagging and needs to be replaced. The exterior fascia is missing in several locations allowing water/weather intrusion into the unit. It is believed that mold has formed behind the walls due to the water infiltration.

5245 Kibbys Circle:

1. The unit is open to casual entry.
2. Exterior siding and sheathing for the unit is missing or damaged in several locations exposing the interior of the wall.
3. The front porch for the unit is in danger of collapse and needs to be removed/repaired.
4. Electrical wiring within the unit is exposed and/or damaged.
5. Skirting for the unit is damaged or missing.

5125 Valk Street:

1. The unit is open to casual entry.
2. Interior wall sheathing has been removed and the insulation, electrical wiring, plumbing lines and exterior siding are exposed.
3. The windows and doors for the unit are damaged/missing.

Your effort to have the above listed violations corrected within thirty (30) days from the date of receipt of this notice is necessary to avoid enforcement action. Please be advised that construction permits will need to be obtained for the necessary work. If corrective action is not initiated, the matter may be scheduled before the Construction Board of Appeals seeking a demolition order. The costs of the demolition order shall be due and payable by the property owner or as a lien placed against the property.

If you have any questions or need further information, please contact the Department of Community Development at 269-329-4466.

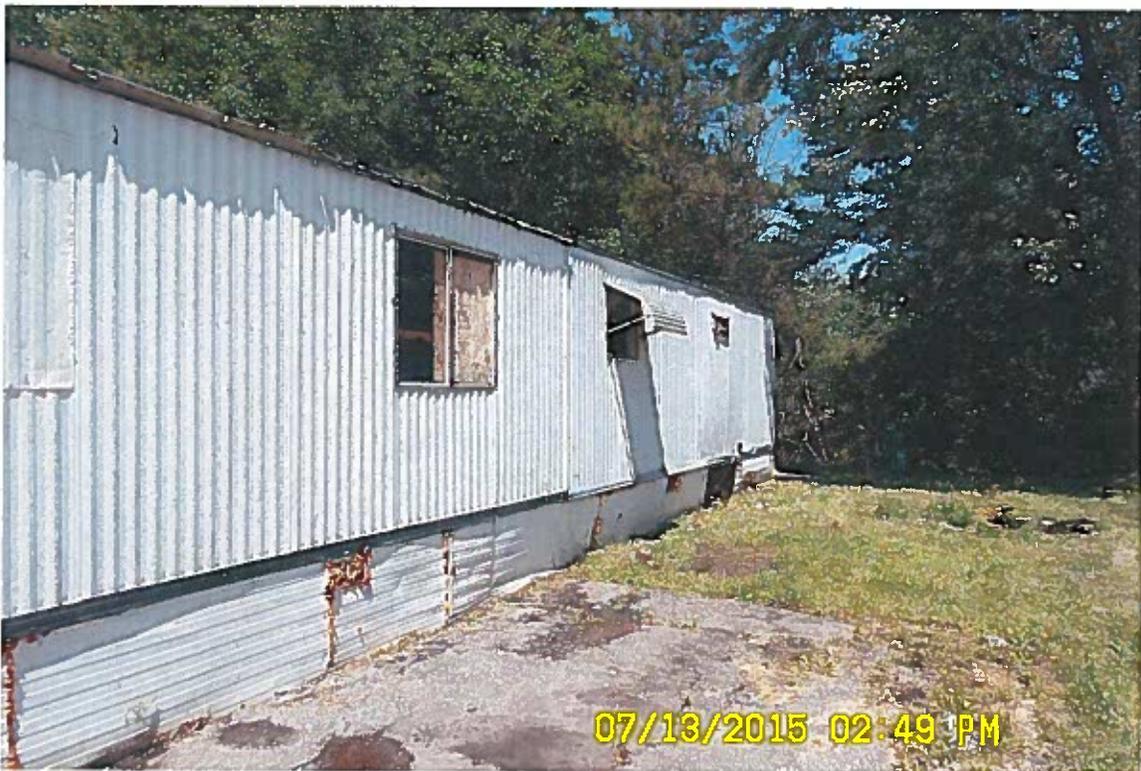
Sincerely,


Vicki Georgeau, AICP
Director

C. Colonial Acres, 5374 Deadwood Drive E, Portage, MI 49002

Ec. mmiller@swistaklevine.com
Terry Novak, Deputy Director of Building and Housing Services

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5213 Bonte Drive



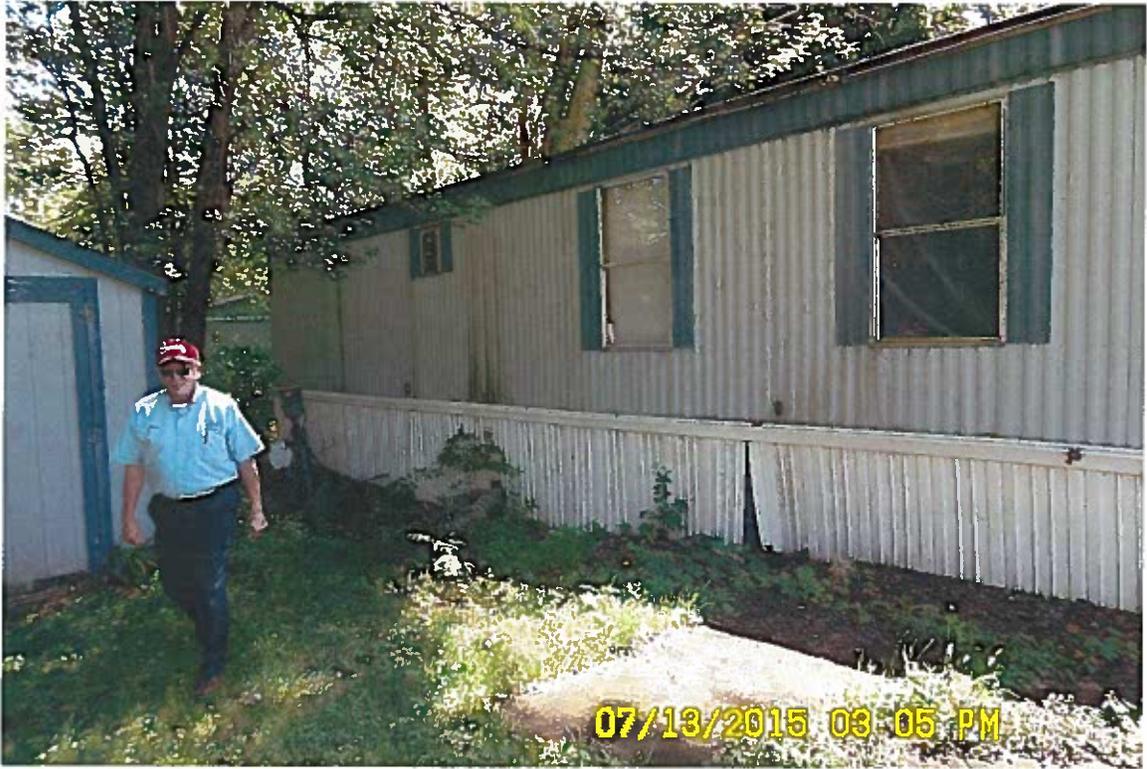
5213 Bonte Drive



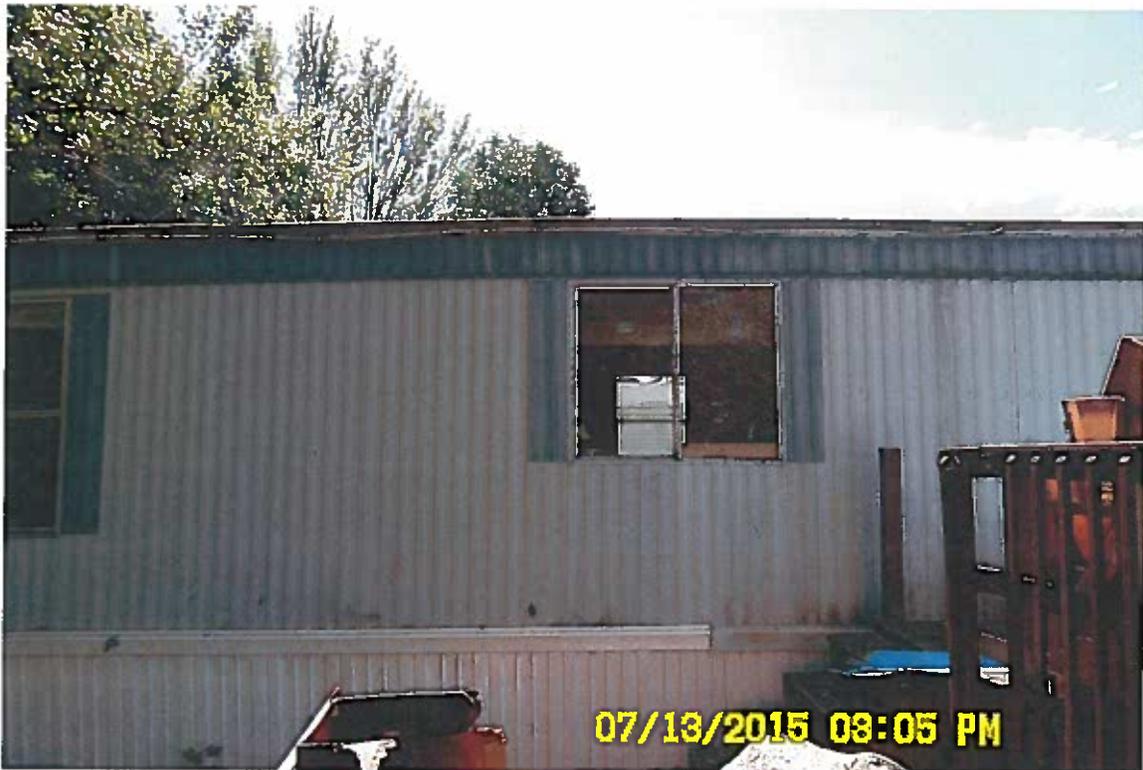
5213 Bonte Drive



5213 Bonte Drive



5125 Valk Street

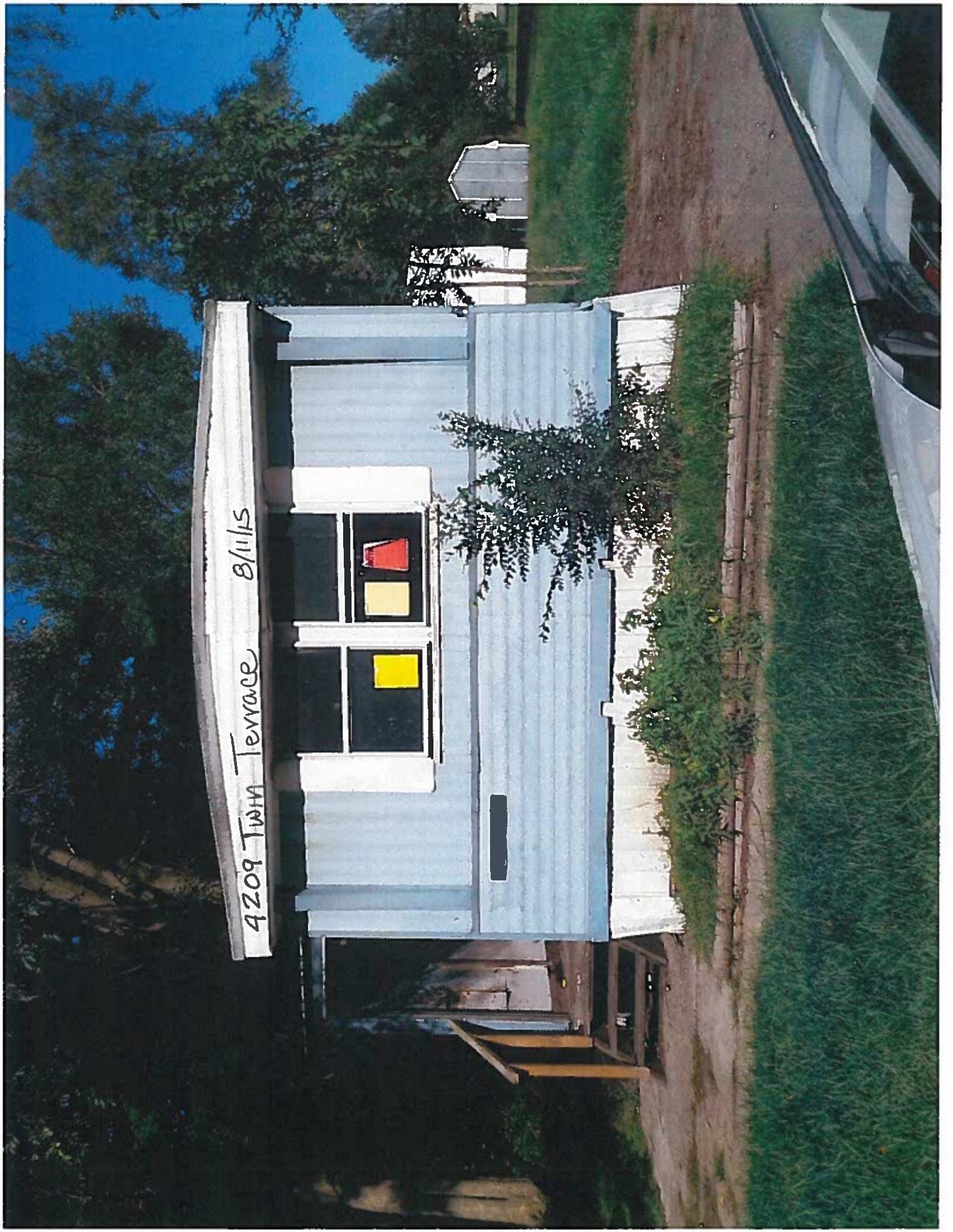


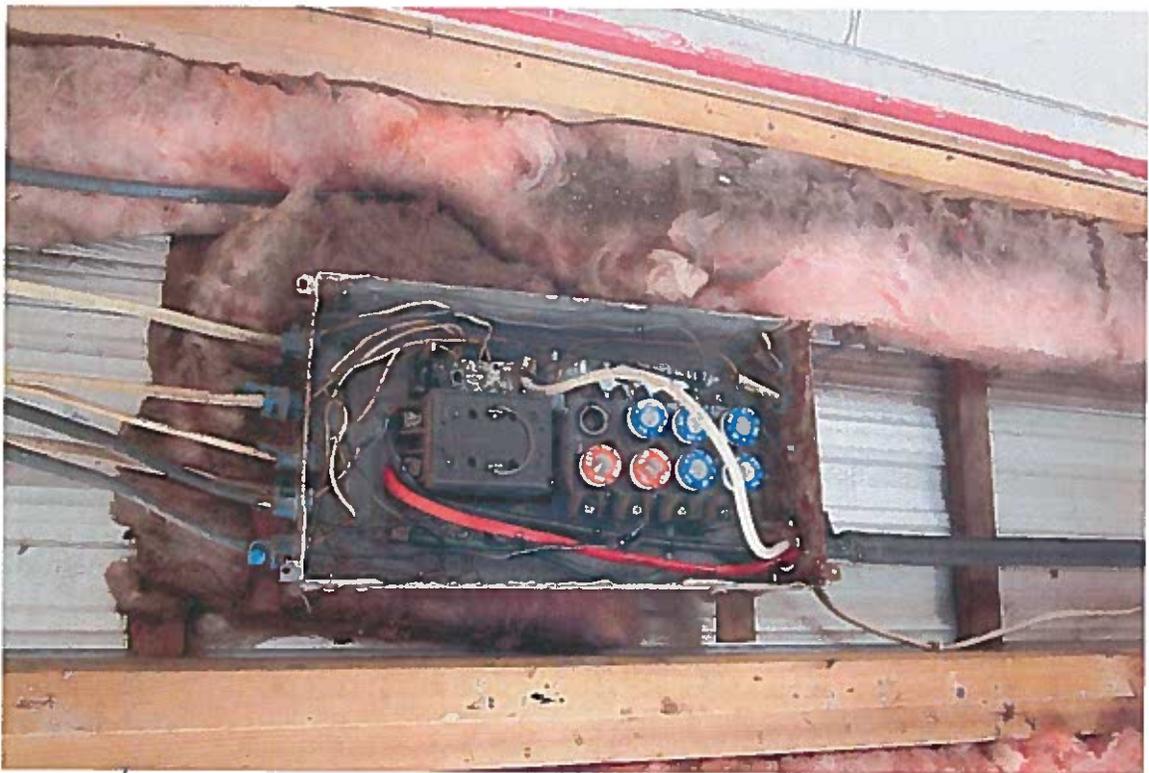
5125 Vaik Street



5125 Valk Street

4209 TWIN TERRACE 8/11/15





8/7/15

4209 Twin Terrace



8/7/15

4209 Twin Terrace



8/7/15

4209 TWIN Terrace



8/2/15

4209 TWIN Terrace

TO: Construction Board of Appeals

FROM: Vicki Georgeau, ^{VJG} Director of Community Development

DATE: September 30, 2015

SUBJECT: Show Cause Hearing – 1910 Ramona Avenue

CODE SECTION: Article 13, Section 42-1341 - Unsafe Structures, City of Portage Codified Ordinances

The fire and water damaged single-family house located at 1910 Ramona Avenue has not been made habitable or safe in accordance with the provisions of the Codified Ordinances of the City of Portage.

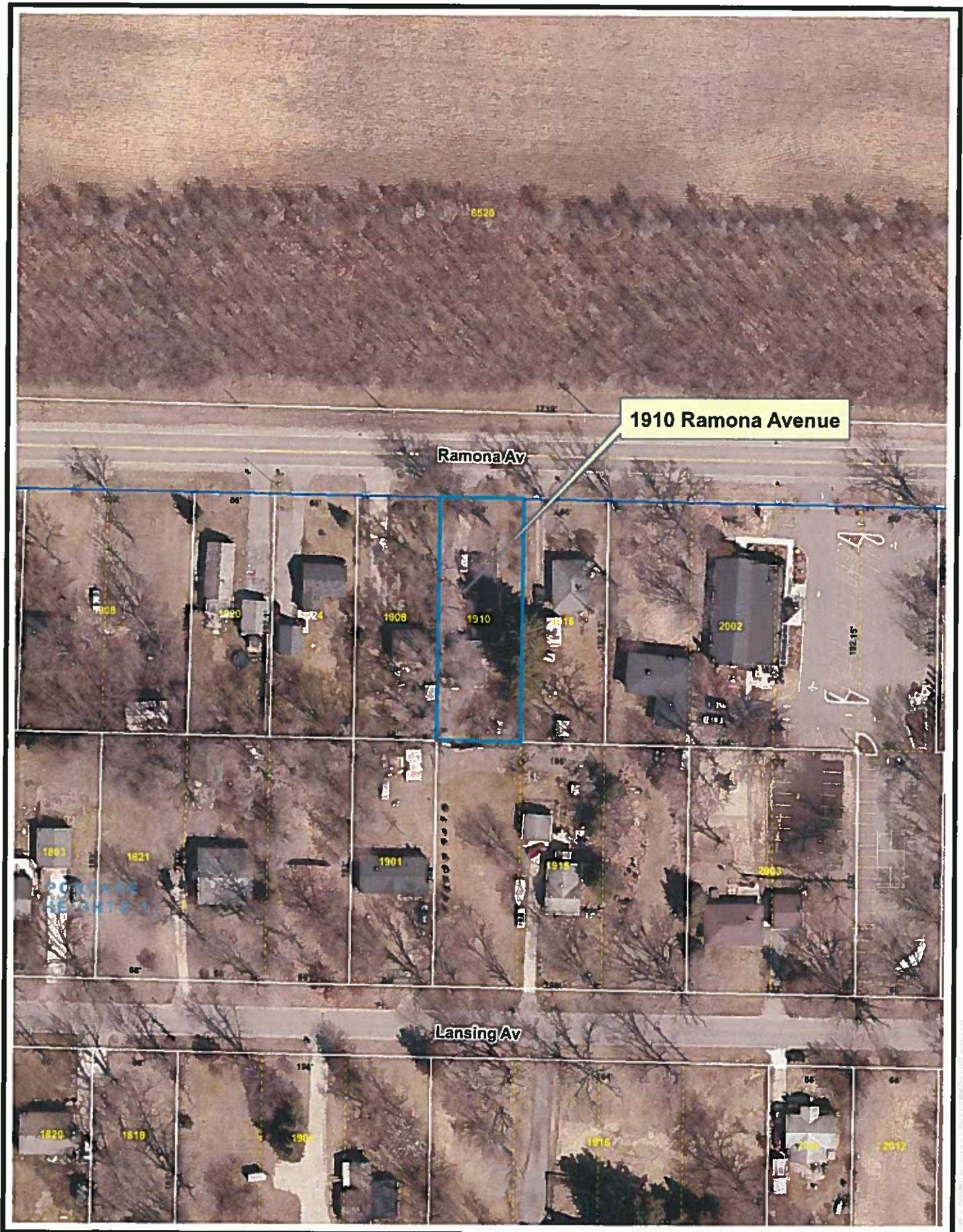
In compliance with the Unsafe Structure Ordinance, a February 19, 2015 Unsafe Structure notices was sent certified mail and posted at the site. The notice advised that the property owner had 30-days to bring the house into compliance or further enforcement action would be pursued. To date, permits to repair or remove the house have not been obtained. Because of the lack of compliance, a September 21, 2015 Show Cause Hearing notice was transmitted and posted.

The condition of the house continues to deteriorate due to the fire and water damage that occurred making the structure unsafe and non-habitable. The insurance investigation into the matter has been completed but an insurance settlement remains pending. Nonetheless, corrective action is necessary for neighborhood protection purposes, given the length of time that this matter has been unresolved.

It is recommended that the Construction Board order the single-family house located at 1910 Ramona Avenue be repaired for occupancy, or razed and removed from the site within 30-days. If the house is razed, the accessory buildings located on the site will also need to be removed. Failure to comply with the order will result in the matter being referred to City Council with a recommendation that the city be authorized to raze and remove the house and all accessory buildings on the site. Any and all costs incurred for such action shall be due and payable as permitted in the City of Portage Unsafe Structure Ordinance.

Attachments: Vicinity map of 1910 Ramona Avenue
Show Cause Hearing notification dated September 21, 2015.
Unsafe structure notifications dated February 19, 2015.
Photographs of 1910 Ramona Avenue.

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Department of Community Development

September 21, 2015

Barbara J & Nyitray & Cheryl Henson
1910 Ramona Avenue
Portage, MI 49002

Dear: Barbara J & Nyitray & Cheryl Henson

RE: Notice of Show Cause Hearing – 1910 Ramona Avenue

The house located at 1910 Ramona Avenue has not been made safe in accordance with the provisions of the Codified Ordinances of the City of Portage, Michigan. The current condition of the house, as identified in the February 19, 2015 Unsafe Structure Notice, is unsafe and unfit for human occupancy as defined in Section 42-1341 of the City of Portage Code of Ordinances.

As a result of these continued violations, you are hereby notified that a hearing on the condition of the house at 1910 Ramona Avenue will be held before the Construction Board of Appeals at 5:00 P.M. on October 8, 2015. The meeting will be held in Conference Room One of Portage City Hall, 7900 South Westnedge Avenue, Portage, Michigan. At this hearing, you will have the opportunity to show cause as to why the house should not be razed or otherwise made safe. The owner and any occupant of the house shall have the right at the hearing to cross-examine witnesses who testify against the owner's and/or occupant's interests and the right to produce witnesses on your own behalf, including the use of pictures, video tapes or other recording devices.

The decision of the Construction Board of Appeals may be appealed to City Council for review within ten (10) days after the decision of the Board and, after review by Council, may be appealed to the Kalamazoo County Circuit Court within twenty (20) days after the decision of the Council.

If you have any questions, please contact the Division of Building and Housing Services, Department of Development, 329-4477.

Sincerely,

Vicki Georgeau, AICP
Director

Attachment: Copy of February 19, 2015 Unsafe Structure Notice

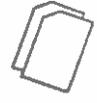
cc: Terry A. Novak, Deputy Director of Building and Housing Services
Christopher Forth, Deputy Director of Planning, Development and Neighborhood Services

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February 19, 2015

Sent Certified Mail and Posted on Site

Barbara J & Nyitray & Cheryl Henson
1910 Ramona Avenue
Portage, MI 49002

 COPY

Dear: Barbara J & Nyitray & Cheryl Henson

RE: Unsafe Structure - Notice to Owner/Occupant – 1910 Ramona Avenue

On September 27, 2014, fire caused moderate damage to the house located at 1910 Ramona Avenue. At that time the utilities for the house were turned off or disconnected. Additional flooding damage to the structure occurred on January 19, 2015 as the result of water service for the house being turned back on by an unauthorized individual. For life-safety purposes, the house cannot be occupied in its current condition and your efforts to keep the house secure from casual entry is necessary.

As information for you, the City of Portage property maintenance regulations require that properties be maintained/repared in the interests of the neighborhood and to protect the public health, safety and welfare. Please be advised that the current condition of the damaged house is unsafe as defined in Section 42-1341 of the City of Portage Code of Ordinances. Your effort to initiate corrective action to have the house repaired or removed within thirty (30) days from the date of receipt of this notice is requested in an effort to avoid enforcement action.

If you have any questions or need further information or assistance in this matter, the Department of Community Development is readily available to assist you and can be contacted at 269-329-4466.

Sincerely,


Vicki Georgeau, AICP
Director

C. William Furry, Finance Director

cc: Terry A. Novak, Deputy Director of Building and Housing Services

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1910 Ramona Avenue

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1910 Remona A. L. 10/15/12

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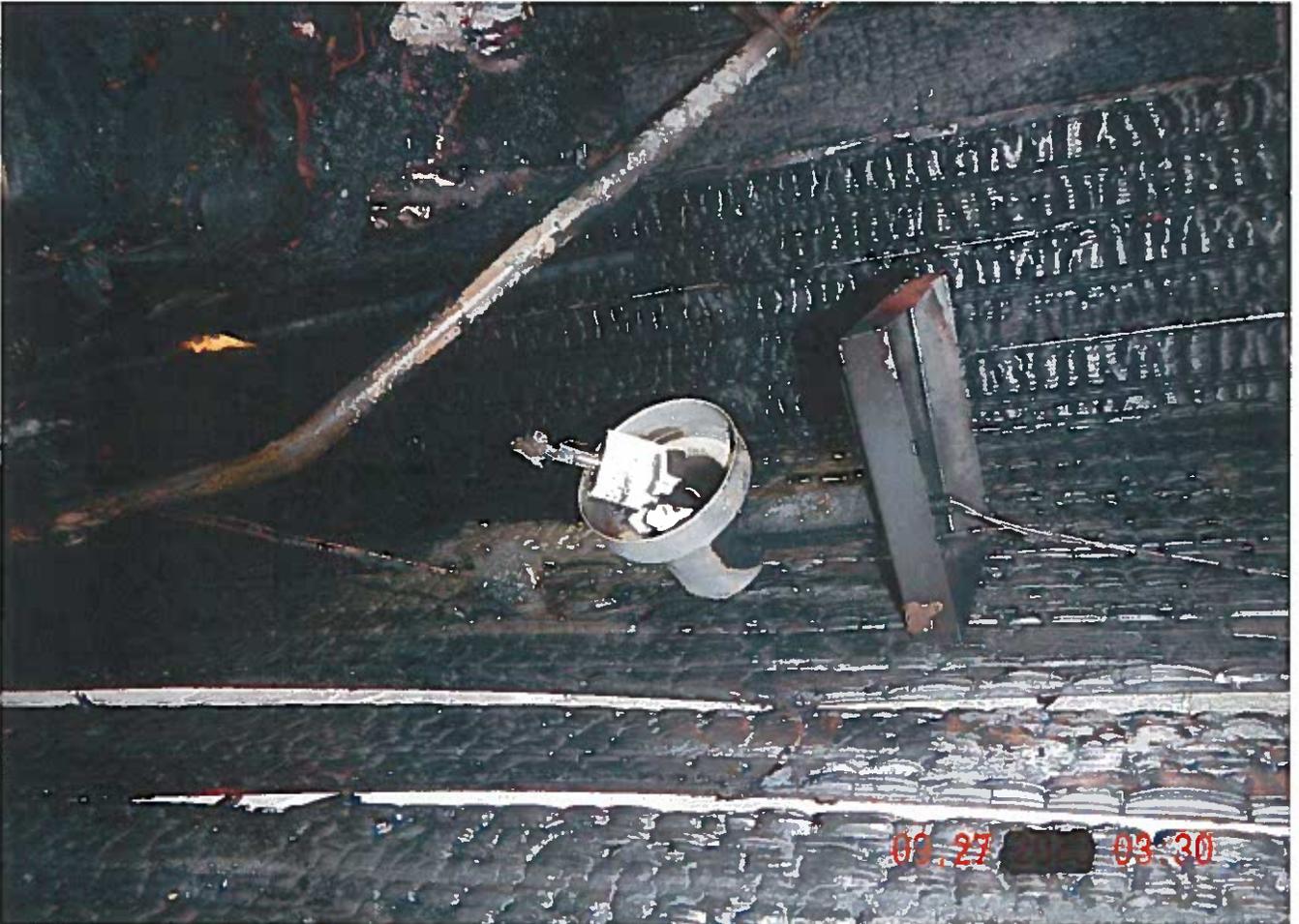
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1910 Ramona Avenue



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1910 Ramona Avenue



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1910 Ramona Avenue.