



CONSTRUCTION BOARD OF APPEALS

June 20, 2016

CITY OF PORTAGE
CONSTRUCTION BOARD OF APPEALS

A G E N D A

June 20, 2016

The City of Portage Construction Board of Appeals will hold a meeting on June 20, 2016 at 5:00 PM in Conference Room 1, Portage City Hall, 7900 South Westnedge Avenue.

APPROVAL OF MINUTES:

*October 8, 2015

OLD BUSINESS:

None

NEW BUSINESS:

*9944 Handel Street – Show Cause Hearing

STATEMENT OF CITIZENS:

ADJOURNMENT:

Material Transmitted

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

CITY OF PORTAGE CONSTRUCTION BOARD OF APPEALS

A large, stylized stamp in the top right corner that reads "DRAFT" in bold, capital letters. To the left of the text is a small icon of a document with a pencil, suggesting a draft or editing process.

Minutes of Meeting – October 8, 2015

The City of Portage Construction Board of Appeals meeting of October 8, 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 June 15, 2015 were approved.

BOARD ACTION:

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

Chairman Schmidt introduced the item to the Board. Deputy Director Novak provided an overview of the steps leading to the show cause hearing and the notification process that was involved. Building Inspector Beery provided information to the Board pertaining to the condition of the units. Nicole Tasker, Colonial Acres Regional Manager was in attendance and informed the Board that the manufactured home at 5213 Bonte Drive was scheduled for demolition and would have been removed last week, however, the contractor had an emergency and would not be able to complete the work until the coming week. Building Inspector Beery advised the Board that dumpsters had been placed adjacent to the unit on Bonte for the past few weeks. Ms. Tasker indicated to the Board that it was also the intention of Colonial Acres to raze and remove the units at 5125 Valk Street and 4209 Twin Terrace. The units however, were recently abandoned and Colonial Acres had not yet secured the required “abandoned titles”. Ms. Tasker stated that Colonial Acres was legally bound to procure an abandoned title prior to razing and removing the units. Ms. Tasker indicated that it was anticipated Colonial Acres would have the necessary titles and the units would be removed by mid-January. Chairman Schmidt inquired if there was any way to expedite the process of securing the titles. Ms. Tasker replied that she would try, but it typically takes approximately three months to obtain the title. When questioned by the Board if the units could be moved off site they were advised by Ms. Tasker that the condition of the units prohibited relocation.

A motion was made by Member Martlew that the manufactured housing unit at 5213 Bonte Drive be razed and removed within 15 days. In addition, the manufacture housing units at 5125 Valk Street and 4209

Twin Terrace be razed and removed by January 1, 2016. If the property owner fails to comply with the respective dates, the matter is to be transmitted to City Council seeking authority for the City Administration to take the necessary action to raze and remove the units from the property with all costs incurred due and payable in accordance with the City of Portage Unsafe Structure Ordinance. Member Leach seconded the motion. The motion passed unanimously.

1910 Ramona Avenue – Show Cause Hearing

Chairman Schmidt introduced the item to the Board. Deputy Director Novak provided information to the Board regarding the September 27, 2014 fire that caused significant damage to the house. In addition, Deputy Director Novak advised of further damage to the house as the result of a water pipe that flooded the house on January 19, 2015. Cheryl Nyitray and Ben and Barbara Henson were in attendance representing the property. Ms. Nyitray indicated that an insurance settlement had recently been reached and that it was her intention to rebuild the house. Deputy Director Novak informed the Board that he had spoken with Ms. Nyitray and that she was aware that licensed contractors would be required to complete the house repairs. Building Inspector Beery provided information to the Board regarding the condition of the house and indicated that recently a dumpster had been placed on the property and was being filled with debris from the house. Ms. Nyitray inquired if a modular house could be placed on the property. Deputy Director Novak advised in the affirmative conditioned that the house complied with the zoning requirements for size and placement. The Board stressed to Ms. Nyitray that it was in her best interest to obtain full and accurate quotes from contractors regarding the price to repair the house as the cost may be higher than she anticipates. Deputy Director Novak reminded Ms. Nyitray that if the house was removed from the property, any accessory buildings would also need to be removed.

After further discussion, a motion was made by Member Martlew requiring that permits be obtained within 30-days by State of Michigan licensed contractors for all trades (building, electrical, plumbing and mechanical) to repair the house. Once the required permits were obtained, the house needed to be completed for occupancy within six months. If the property owner chooses not to repair the house, the house is to be razed and removed from the site within 60 days. If the property owner fails to comply with the order, the matter is to be forwarded to City Council seeking authority for the City Administration to take the necessary action to raze and remove the house from the property with all costs incurred due and payable in accordance with the City of Portage Unsafe Structure Ordinance. Member Gilchrist seconded the motion. The motion passed unanimously.

ADJOURNMENT:

The Board meeting adjourned at 6:00 PM

Respectfully Submitted,



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

TO: Construction Board of Appeals

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

DATE: June 10, 2016

SUBJECT: Show Cause Hearing – 9944 Handel Street

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

The fire damaged single-family house located at 9944 Handel Street has not been made habitable or safe in accordance with the provisions of the Codified Ordinances of the City of Portage.

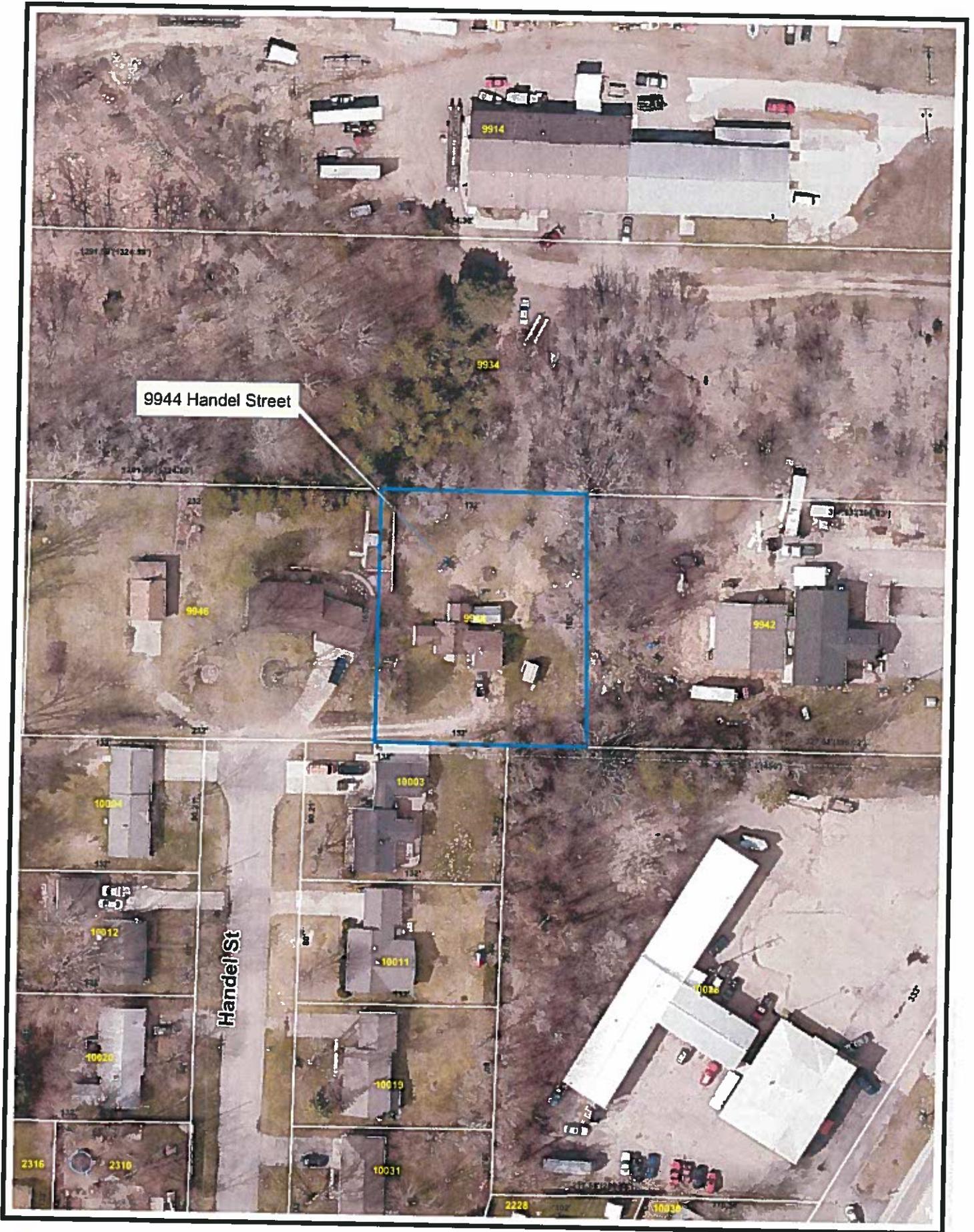
In compliance with the Unsafe Structure Ordinance, a January 21, 2016 Unsafe Structure notice was sent certified mail and posted at the site. The notice advised that the property owner had 30-days to initiate action to bring the house into compliance or further enforcement action would be pursued. The insurance investigation and settlement pertaining to the fire has been completed and a Demolition Clearance Agreement from Consumers Energy allowing the house to be razed was finalized on May 31, 2016. However, to date, permits to repair or remove the house have not been obtained.

The condition of the severely fire damaged house continues to deteriorate making the structure unsafe and non-habitable. Because of the lack of compliance, a June 3, 2016 Show Cause Hearing notice was transmitted and posted. Corrective action by the city 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 and accessory buildings located at 9944 Handel Street be 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 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 9944 Handel Street
Show Cause Hearing notification dated June 3, 2016.
Unsafe structure notifications dated January 21, 2016.
Photographs of 9944 Handel Street

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June 3, 2016

Delena Sue Merrill
9944 Handel Street
Portage, MI 49024

Dear Ms. Merrill:

RE: Notice of Show Cause Hearing – 9944 Handel Street

The house located at 9944 Handel Street 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 January 21, 2016 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 9944 Handel Street will be held before the Construction Board of Appeals at 5:00 P.M. on June 20, 2016. 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 January 21, 2016 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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January 21, 2016

Sent Certified Mail and Posted on Site

Delena Sue Merrill
9944 Handel Street
Portage, MI 49024

Dear Ms. Merrill:

RE: Unsafe Structure - Notice to Owner/Occupant – 9944 Handel Street

On behalf of the Department of Community Development, I wish to convey condolences regarding the fire that severely damaged the house located at 9944 Handel Street on January 18, 2016. For life-safety purposes, your efforts to remove the damaged house and associated debris from the site as soon as possible is necessary and appreciated.

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 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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17177 Handel Street 6/5/16



7794 Handel Street 6/3/16





