



CONSTRUCTION BOARD OF APPEALS

March 14, 2019

CITY OF PORTAGE
CONSTRUCTION BOARD OF APPEALS

A G E N D A

March 14, 2019

The City of Portage Construction Board of Appeals will hold a meeting on March 14, 2019 at 5:00 PM in Conference Room 2, Portage City Hall, 7900 South Westnedge Avenue.

APPROVAL OF MINUTES:

*January 18, 2018

OLD BUSINESS:

None

NEW BUSINESS:

*5323 Meredith 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

Minutes of Meeting – January 18, 2018

DRAFT

The City of Portage Construction Board of Appeals meeting of January 18, 2018 was called to order at 5:00 PM in Conference Room #2 of Portage City Hall, 7900 South Westnedge Avenue, Portage, Michigan.

MEMBERS PRESENT:

Todd Gasaway; Gary Gilchrist; Lawrence Schmidt; Sheldon Smith and George Theodoru.

MEMBERS ABSENT:

None

MEMBERS EXCUSED:

William Leach and Barney Martlew.

IN ATTENDANCE:

Stacy French, Assistant Fire Chief; Derek Henson, Fire Marshal; Terry Novak, Deputy Director of Building and Housing Services and Mike Beery, Senior Building Inspector.

APPROVAL OF MINUTES:

The minutes of December 12, 2017 were approved.

BOARD ACTION:

3540 Westcove Drive – Show Cause Hearing for fire damaged house.

Chairman Schmidt introduced the item to the Board. The property owner, Mr. Trung Phan was in attendance. Deputy Director Novak provided background information to the Board in regard to the fire that occurred on March 27, 2017 and subsequent notices that had been transmitted to the property owners and posted at the site. Novak advised that the ownership of the fire damaged house was transferred to Trung Phan on July 26, 2017. Novak further indicated that staff had met onsite with Mr. Phan on September 28, 2017 to discuss the required repairs. Senior Building Inspector Beery provided a damage assessment of the house and the necessary repairs.

Mr. Phan spoke to the Board and advised that he had contacted several builders but was unable to find one that could complete the necessary repairs in a timely manner. Phan further advised that the builder he is currently working with could perform the demolition work quickly, however, could not commit to repairing the house. Novak advised that movement on the project was necessary and that the neighborhood had started voicing their concerns with the lack of progress. The Board discussed the negative impacts on the neighborhood and need for action. Chairman Schmidt advised that the house

would need to remain secured from casual entry during the demolition of the damaged portions of the house. Phan advised he would ensure that the house remained closed to casual entry.

After further discussion, a motion was made by Member Gilchrist that within 30-days, the owner of the house shall have a State of Michigan licensed contractors obtain the necessary building permits, including trade permits, for the repair of the house. Within 45-days, active construction to repair the house shall commence. Should the owner fail to comply with the order, the matter shall be referred to City Council with a recommendation that the city be authorized to raze and remove the house, any accessory buildings and any junk and debris 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. The motion was seconded by Member Theodoru and passed unanimously.

A'vie, 1416 West Milham Avenue – Requested interpretation from the 2015 International Fire Code

Deputy Director Novak advised that A'vie Salon was back before the Board due to noncompliance with the Board's 30-day fire alarm application and plan submittal condition. Specifically, at the December 12, 2017 meeting, the Board required that the owner submit an application and plan for a monitored smoke and heat detection system that met the requirements of the Fire Code that was effective in 2001.

Ms. Carole Meier, A'vie business owner was in attendance and addressed the Board. Ms. Meier indicated that she had been in contact with alarm companies and was still in the process of receiving bids. Ms. Meier further indicated that she had also met with the Fire Marshal in an effort to move the process along. Fire Marshal Henson confirmed the meeting with Ms. Meier, however, advised that an application or plans have still not been submitted for the project. Novak suggested that although the original 30-day time period for the fire alarm application and plan submittal had passed, no additional action was needed by the Board: The 90-day requirement from the December 12, 2017 meeting for the full installation and activation of the fire alarm system remained in effect. The Board concurred and reminded Ms. Meier of the need for compliance or the Fire Department would be required to take enforcement action.

2314 Helen Avenue – Extension Request to Timeline for Lighthouse Autism Center.

Deputy Director Novak provided a letter from Lighthouse Autism Center Executive Director Gregg Maggioli. The letter was received by the Department of Community Development on January 17, 2018 and explained Mr. Maggioli's request for an extension in regard to when the required work was to be completed. Novak reminded the Board of their November 8, 2017 decision that Lighthouse Autism center would need to comply with all associated I-4 code requirements and that Lighthouse could continue to operate under the temporary certificate of occupancy conditioned upon:

- Within 30-days a plan with the intended course of action be provided to the city;
- Within 45-days, contractual agreements for the plan of action be provided to the city;
- Within 90-days, the required work be completed. If the work was not completed within 90-days the occupancy would be revoked but the work could continue. The timeframe for the days would start now and run concurrently not consecutively.

Novak advised that the 30-day and 45-day requirements had been met and that Mr. Maggioli had remained in touch with the city in regard to his progress on the project. Senior Building Inspector Beery provided information about the work completed from a recent inspection performed on the facility. Fire Marshal Henson advised the Board that an agreement for the alarm system as required for the building was signed on January 15, 2018.

After a brief discussion, the Board voted unanimously to deny the request for an extension. All work for the project was to be completed per the 90-day requirement or the occupancy was to be revoked.

ADJOURNMENT:

The Board meeting adjourned at 6:30 PM

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Terry A. Novak', is written over the printed name.

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

TO: Construction Board of Appeals

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

DATE: March 6, 2019

SUBJECT: Show Cause Hearing – 5323 Meredith Street

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

The site plan approval and building permit for the modular building project located at 5323 Meredith Street have expired. The building permit for the project was originally issued on July 6, 2017, with an extension for the project granted on May 18, 2018. Minimal work has been completed on the property and the site plan and building permit approvals are no longer valid. Section 105.5 of the 2015 State of Michigan Building Code, Expiration, states “Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.”

In compliance with the Unsafe Structure Ordinance, a January 7, 2019 Unsafe Structure notice was sent certified mail and posted at the site. The notice advised that the property owner had 30-days to remove the building or further enforcement action would be pursued. Unfortunately, action to remove the building has not occurred. The modular building has remained on concrete blocks at the site for over one and a half years with no progress demonstrated. As such, the building has become an attractive nuisance and detriment to the surrounding neighborhood.

It is recommended that the Construction Board order the building located at 5323 Meredith Street be removed from the site within 30-days. Should the owner fail to comply with the order, the matter shall be referred to City Council with a recommendation that the city be authorized to raze/remove the building and any junk and debris 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 5323 Meredith Street
Show Cause Hearing notification dated February 26, 2019
Unsafe structure notifications dated January 7, 2019
Photographs of 5323 Meredith Street



January 7, 2019

Sent Certified Mail and Posted on Site

Julie Hensley
3355 West Cove Drive
Portage, MI 49024

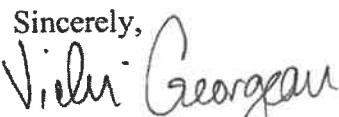
Dear Ms. Hensley:

RE: Unsafe/Unfit Structure - Notice to Owner/Occupant – 5323 Meredith Street

This communication is provided to advise you that the site plan approval and building permit for the building project located at 5323 Meredith Street have expired. As you are aware, the building permit for the project was originally issued on July 6, 2017, with an extension for the project granted on May 18, 2018. Unfortunately, minimal work has been completed on the site and the site plan and building permit approvals are no longer valid.

As information, 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. The current condition of the building at 5323 Meredith Street, which has been placed on blocks since being relocated to the site, is unfit for occupancy and needs to be removed from the site within 30-days. Once the building is removed from the site, applicable building permit fees will be returned to you. Should the building not be removed, an Unsafe Structure Hearing will be held before the Construction Board of Appeals seeking authority for the city administration to remove the building with all associated costs placed on the site as property taxes.

If you have any questions or need further information, please contact me in the Department of Community Development at (269)329-4477.

Sincerely,

Vicki Georgeau, AICP
Director of Community Development

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

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Department of Community Development

February 26, 2019

Sent Certified Mail and Posted on Site

Julie Hensley
3355 West Cove Drive
Portage, MI 49024

Dear Ms. Hensley:

RE: Notice of Show Cause Hearing – 5323 Meredith Street

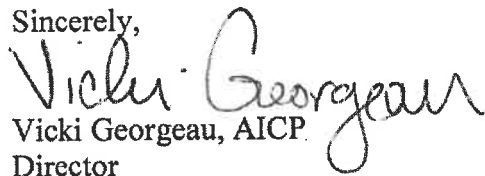
The ongoing condition of the modular building stored on blocks at 5323 Meredith Street is unsafe/unfit for occupancy and has not been removed from the property as required by the January 7, 2019 Unsafe Structure notice. The condition of the building is unsafe/unfit as defined in Section 42-1341 of the City of Portage Code of Ordinances.

As a result of the continued violations, you are hereby notified that a hearing on the condition of the building and site improvements at 5323 Meredith Street will be held before the Construction Board of Appeals at 5:00 P.M. on March 14, 2019. 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 building should not be removed from the property. The owner of the site 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 Community Development, 329-4477.

Sincerely,


Vicki Georgeau, AICP
Director

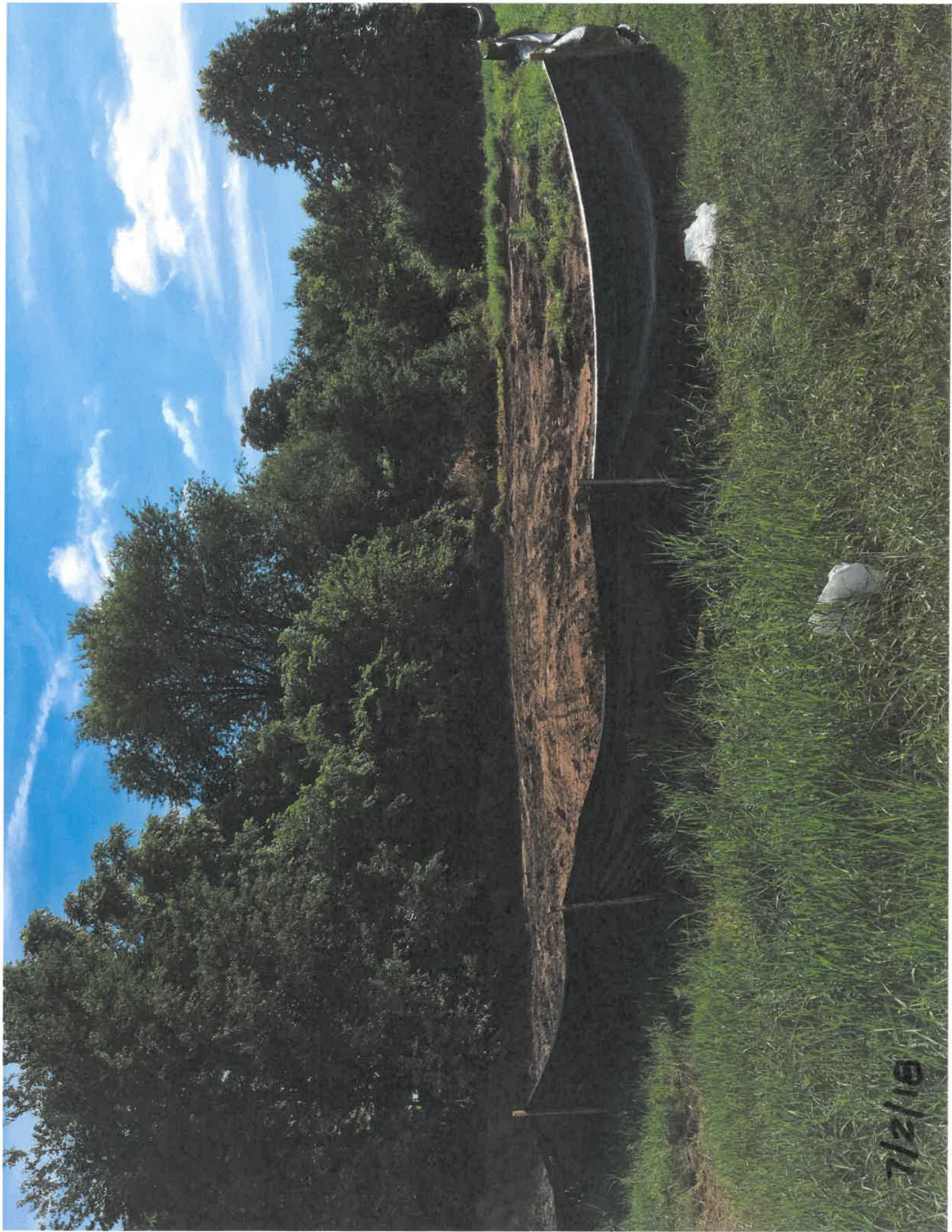
Attachment: Copy of January 7, 2019 Unsafe Structure Notices

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

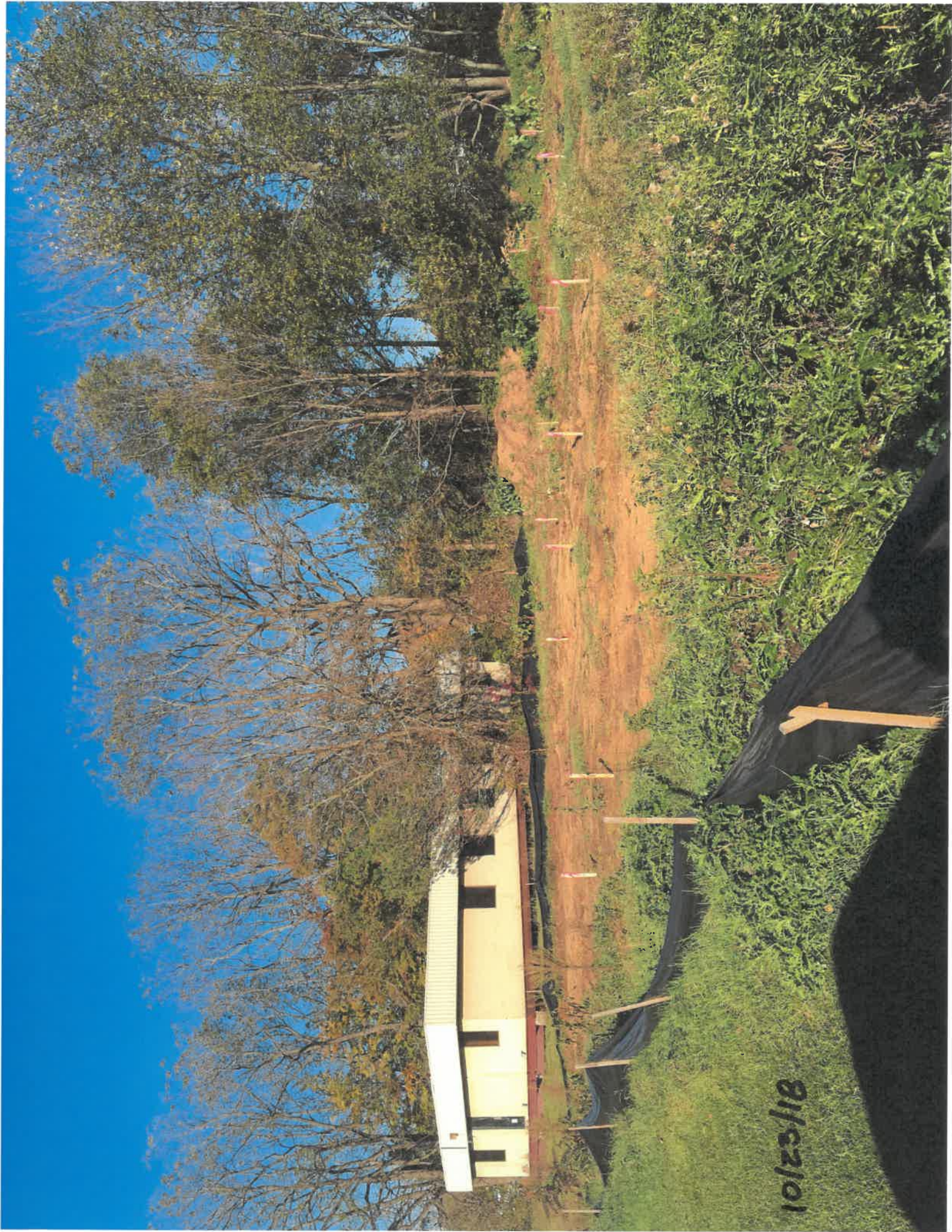
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