



CONSTRUCTION BOARD OF APPEALS

August 8, 2019

CITY OF PORTAGE
CONSTRUCTION BOARD OF APPEALS

A G E N D A

August 8, 2019

The City of Portage Construction Board of Appeals will hold a meeting on August 8, 2019 at 5:00 PM in Conference Room 1, Portage City Hall, 7900 South Westnedge Avenue.

APPROVAL OF MINUTES:

*March 14, 2019

OLD BUSINESS:

None

NEW BUSINESS:

*5834 Monticello 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 – March 14, 2019

 **DRAFT**

The City of Portage Construction Board of Appeals meeting of March 14, 2019 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; Barney Martlew; Lawrence Schmidt; and George Theodoru.

MEMBERS ABSENT:

None

MEMBERS EXCUSED:

William Leach and Sheldon Smith.

IN ATTENDANCE:

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

APPROVAL OF MINUTES:

The minutes of January 18, 2018 were approved.

BOARD ACTION:

5323 Meredith Street – Show Cause Hearing

Chairman Schmidt introduced the item to the Board. Ms. Julie Hensley, owner of the property was in attendance. Deputy Director Novak provided an overview of the project and its stalled progress. Deputy Director Novak indicated that the original building permit for the project was issued on July 6, 2017, and due to a lack of progress, it was necessary to reissue/extend the building permit on May 18, 2018. The reissued building permit had expired and the modular building remained on concrete blocks. Deputy Novak advised that on March 13, 2019, he met with a perspective purchaser of the building, Ms. Beradene Thimlar. At the meeting Ms. Thimlar submitted a communication indicating that she wished to purchase and move the building, however, was afraid she would not be able to comply with

the 30-day building removal requirement of the unsafe structure notice. Ms. Thimlar requested that the timeframe for the building's removal be extended to June 1, 2019. A copy of Ms. Thimlar's communication was provided to the Board. Deputy Director Novak advised the Board that in an effort to assist both parties, the Department of Community Development was agreeable to the requested June 1, 2019 extended deadline. Various members of the Board inquired as to the condition of the site. Senior Building Inspector Beery advised that the building had remained closed to casual entry and that minimal disruption to the site had occurred. Ms. Hensley spoke to the Board and advised that the project has encountered several setbacks and that she believed extending the requirement for the removal of the building to June 1, 2019 will prove sufficient for the sale and removal of the building.

After a brief discussion, a motion was made by Member Martlew that the building located at 5323 Meredith Street be removed from the site by June 1, 2019. After the building is removed, grass seed is to be spread on the disturbed area of the site. 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. Member Gasaway seconded the motion. The motion passed unanimously.

ADJOURNMENT:

The Board meeting adjourned at 5:20.

Respectfully Submitted,



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

TO: Construction Board of Appeals

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

DATE: July 23, 2019

SUBJECT: Show Cause Hearing – 5834 Monticello Avenue

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

In compliance with the Unsafe Structure Ordinance, a June 8, 2018 Unsafe Structure notice was sent certified mail and posted at the site. The notice advised that the property owner had 30-days to repair or remove the buildings or further enforcement action would be pursued. In an effort to assist the property owner, extensions to the Unsafe Structure Notice have been provided in anticipation the owner would facilitate the demolition and removal of the buildings. Unfortunately, corrective action for the buildings has not occurred and they have become an attractive nuisance and detriment to the surrounding neighborhood.

The vacant single family house and accessory building located at 5834 Monticello Avenue have not been made safe or removed from the site. The buildings are open to the elements and continue to deteriorate. The structural integrity of the buildings is questioned and the utility components for the house (electrical, plumbing and mechanical systems) do not appear to be in operational.

It is recommended that the Construction Board order the vacant single family house and accessory building located at 5834 Monticello Avenue be razed and removed from the site along with any debris 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 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.

Attachments: Vicinity map of 5834 Monticello Avenue
Show Cause Hearing notification dated July 18, 2019
Unsafe structure notifications dated June 8, 2018
Photographs of 5834 Monticello Avenue

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June 8, 2018

Sent Certified Mail and Posted on Site

Burton Bird & Tammy Gildea-Bird
5840 Monticello Avenue
Portage, MI 49024

Dear Burton Bird & Tammy Gildea-Bird:

RE: Unfit/Unsafe Structure - Notice to Owner/Occupant – 5834 Monticello Avenue

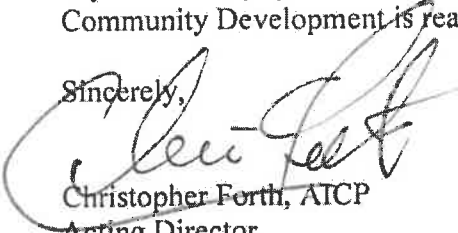
This Communication is provided as notification that the house and accessory building located at 5834 Monticello Avenue has been deemed unfit/unsafe for occupancy. A recent inspection of the property on June 7, 2018 has indicated that the house and accessory building continues to decline with the following deficiencies:

1. The house and accessory building are open to casual entry and need to be secured immediately.
2. The structural integrity of the house and accessory building is questioned due to years of neglect, weather intrusion and rot.
3. The roofs of the house and accessory building are in severe disrepair with missing shingles and/or roof components allowing weather and animal intrusion. Several areas in the house show signs of ceiling damage/failure due to water.
4. The required occupancy components for the house (electrical, plumbing and mechanical systems) need to be repaired and operational. Certification of each of the components will need to be verified by a State of Michigan licensed contractor for the respective trade.

The City of Portage property maintenance regulations require that properties be maintained/repaired in the interests of the neighborhood and to protect the public health, safety and welfare. Please be advised that the current condition of the house and accessory building at 5834 Monticello Avenue is unfit/unsafe as defined in Section 42-1341 of the City of Portage Code of Ordinances. For life-safety purposes, please initiate corrective action to either: have the house and accessory building repaired for occupancy, or razed and removed from the site within thirty (30) days to avoid further 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,



Christopher Forth, ATCP
Acting Director

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

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July 18, 2019

Sent Certified Mail and Posted on Site

Burton Bird & Tammy Gildea-Bird
5840 Monticello Avenue
Portage, MI 49024

Dear Burton Bird & Tammy Gildea-Bird

RE: Notice of Show Cause Hearing – 5834 Monticello Avenue

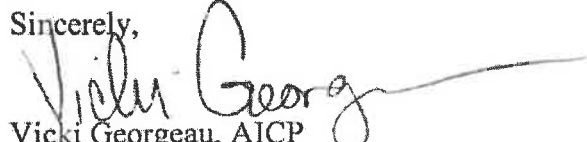
The ongoing condition of the vacant house and accessory building located at 5834 Monticello is unsafe/unfit for occupancy as defined in Section 42-1341 of the City of Portage Code of Ordinances. The house and accessory building have not been repaired or removed from the property as required by the June 8, 2018 Unsafe Structure notice.

As a result of the continued violations, you are hereby notified that a hearing on the condition of the house and accessory building at 5834 Monticello Avenue will be held before the Construction Board of Appeals at 5:00 P.M. on August 8, 2019. The meeting will be held in Conference Room One of Portage City Hall, 7900 South Westnedge Avenue, Portage, Michigan. As the property owner at this hearing, you will have the opportunity to show cause as to why the house and accessory building should not be razed and removed from the property. You shall also 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

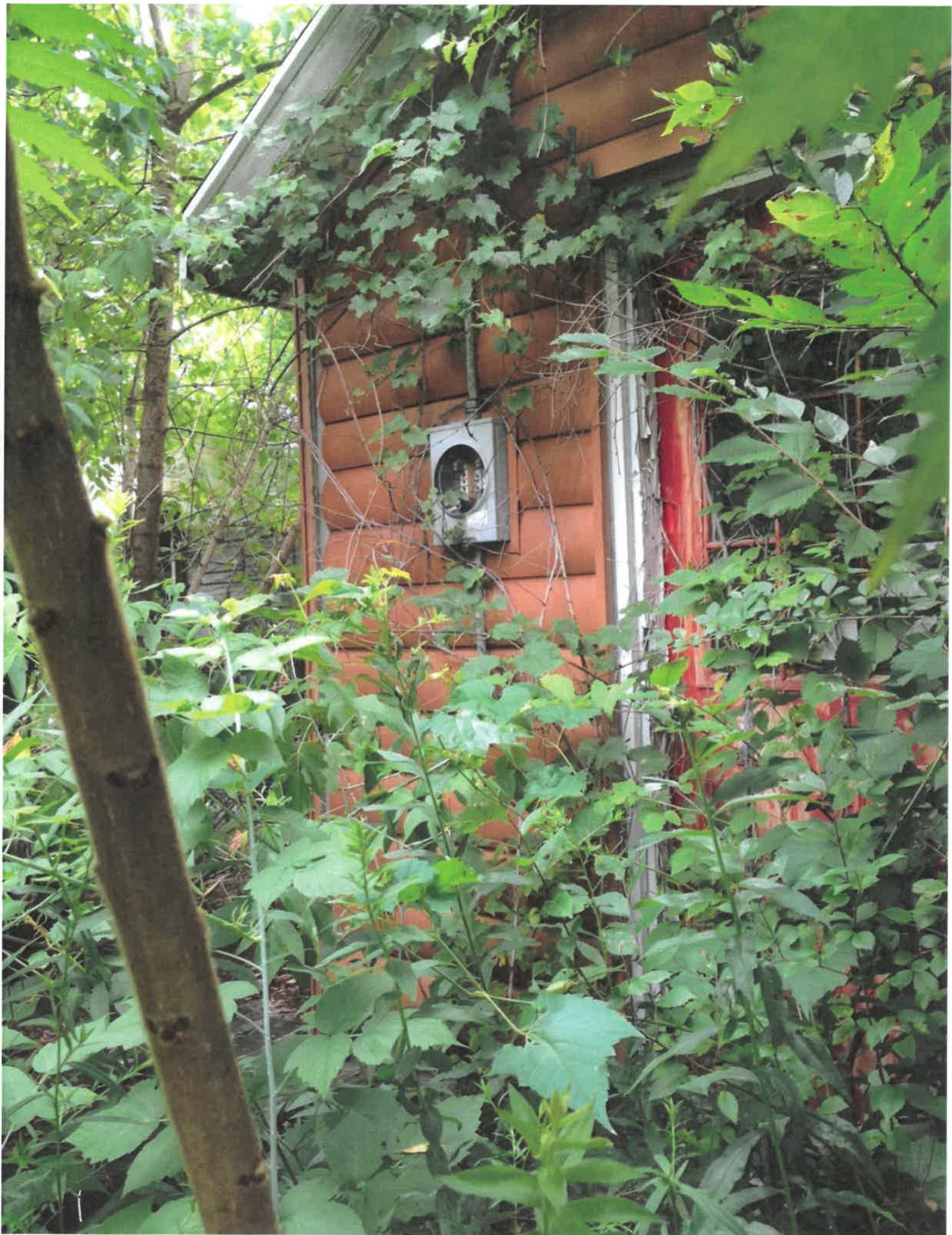
Attachment: Copy of June 8, 2018 Unsafe Structure Notices

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

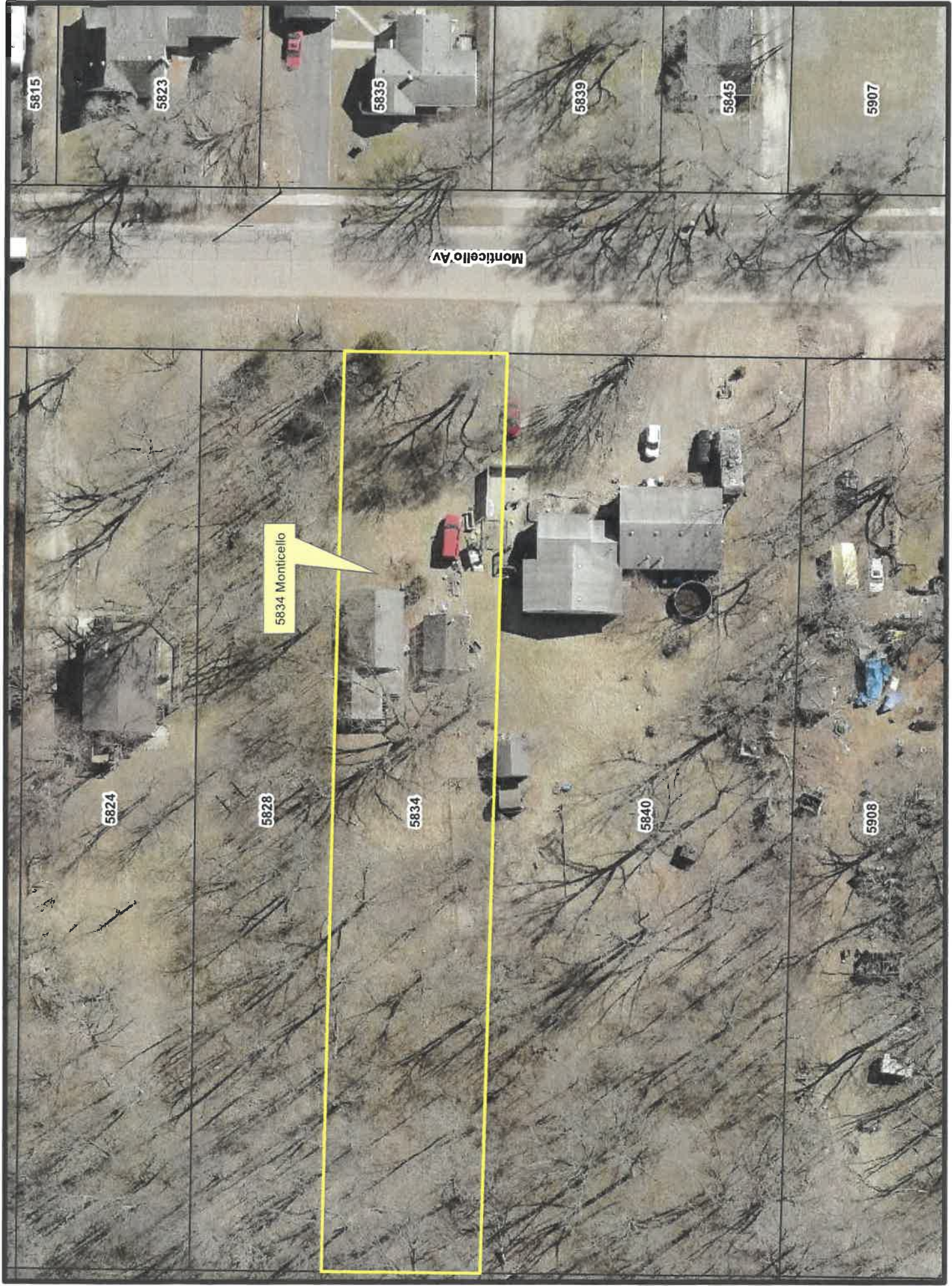
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Monticello Vicinity Map

Legend



1 inch = 50 feet