

MINUTES
BUILDING BOARD OF APPEALS
July 16, 2015 2:00 p.m.
City Commission Chambers

CALL TO ORDER

Mr. Emig called the meeting to order at 2:00 p.m.

ROLL CALL OF BOARD MEMBERS

Members Present: Richard Emig, Chair, Charles Kiplinger, Vice Chair, Gary Wark, Linda Servis, Emily Parfet, David Hyde

Members Absent:

City Staff: Robert McNutt, Building Official; Deanna Benthin, Recording Secretary

NEW BUSINESS

APPROVAL OF PREVIOUS MINUTES

Mr. Hyde, supported by Mr. Kiplinger moved to approve the minutes of May 21, 2015 as submitted, approved by voice call vote.

APPROVAL OF AGENDA

No changes to the agenda.

Motion approved by roll call unanimously.

INITIAL HEARINGS

The following property was presented to the board for a public hearing:

1119 Douglas Terrace - This property is located in a Residential Duplex District (Use Zone RD-19) in the Fairmont neighborhood. The 41' X 66' (0.063 acre) property contains a 1232 sq. ft. two story residential home built in 1918. Nearby uses are residential dwellings. There are no historic considerations for this property. DALLA, MICHAEL R is shown as Deed Holder and Taxpayer. A 2006 Warranty Deed (\$85,000 mortgage) is on record with "MERS" / Homecomings Financial Network, Inc. A Certificate of Forfeiture of Real Property to the Kalamazoo County Treasure for Non Payment of Property taxes for the years, 2011, 2012, & 2013 for \$5,763.53 was filed on April 13, 2015. Delinquent taxes showing as owed have been found and are payable at the County Treasurer (Contact them for the exact amount): As of 7/6/15 tax information found shows: 2014 Winter Tax Amount: \$666.36 - Base 2014 Taxes: \$1,947.55 JULY PAYOFF 2013 Taxes: \$2,470.16 JULY PAYOFF - 2012 Taxes: \$2,629.76

JULY PAYOFF - 2011 Taxes: \$1,473.37 JULY PAYOFF - Invoices: \$242.00 DUE (plus penalties and interest, if any). 2015 Summer Tax Amount: \$851.60 is now due and payable to the City Treasurer. This amount is valid until July 31, 2015. After July 31, 2015, additional interest and penalties will be applied. Additionally, there are two open invoices that are now delinquent totaling \$242.00. The amount listed is valid until July 31, 2015 and may also be paid at the City Treasurer. Additional interest and penalties will be applied after July 31, 2015.

Mr. McNutt stated the issue the City has with this property is it was condemned the first time on 3/25/13 for boarding, open to causal entry, foundations issues, floors, gutters and exterior maintenance issues. There currently is \$1312.50 in fees owed for inspections with no compliance or interaction from the owner. Mr. McNutt stated he reposted the condemnation on the property several months ago due to the failure of the foundation walls on the west side, and several cracks and deformities on the other two sides. The house sits on the hill and due to the lack of drainage it's piling in. His concern is with the houses next door if this house falls. He's attempted several different phone calls to the owner, and received no answers. In his opinion structural and exterior repairs for the building are estimated to cost approximately \$28,000. Estimated costs for demolition are approximately \$13,500. The 2015 SEV is \$20,600. According to Assessor records, the Estimated True Cash value of the land alone is approximately \$7,240 and that of the entire property \$33,882.

Staff recommends that the Building Board of Appeals finds that the structure and grounds at 1119 Douglas Terrace constitutes a "Dangerous Building" and a blight due to the conditions and violations detailed in the 7/1/15 Building Board of Appeals Notice of Determination and Hearing. He recommends the owner is ordered to obtain new permits and commence either demolition or exterior and structural repairs by July 23, 2015 and complete all exterior and structural repairs or demolition by August 24, 2015. Further, if the required action is not completed by either deadline, the City is authorized by the Building Board of Appeals to take any and all legal actions necessary to cause full compliance and eliminate said danger and blight.

Gary Wheeler, Lawton, MI stated he's a licensed contractor and owns the property next door. He was working on his property and saw the notice regarding this meeting on the property. He feels the house can be repaired and wants to buy the house. Mr. Wheeler stated he contacted Mr. Dalla that morning, but hasn't gotten a response yet about purchasing the property. He has concerns regarding the Board's deadlines. Without having made contact with Mr. Dalla he doesn't know if he can meet those deadlines.

Chair Emig questioned what Mr. Wheeler's timeline. Mr. Wheeler commented he only contacted Mr. Dalla earlier in the day. He'd like at least two weeks to try and make contact and speak with Mr. Dalla about purchasing the property. If he purchased the house he would immediately go into the house and secure it with a steel beam to support the house. If he purchased this house he could fix the landscaping and grade for both houses and take care of the water issues.

Mr. Hyde questioned if he could contact the Land Bank and possibly work with them to purchase this property.

Mr. McNutt commented the Board doesn't have the authority to make any judgement to give Mr. Wheeler any additional time. The Board has to deal with the property that is owned by Mr. Dalla who is not present today to speak to this request. In his opinion as the Building Official the Board should deal with what is brought to the Board by the staff today. If the Board grants the staff's recommendation it may force Mr. Dalla to move forward. The steps the City has to go through to demolish a house takes time, the concern with this property having sat for so long, and the owner hasn't shown any interest in taking care of the property, that he may not want to sell it, but let the City just take care of it. He doesn't feel it's the Board's obligation to give any more time.

Chair Emig stated that the property has already been listed for tax forfeiture for back taxes, and will go to the Land Bank. Mr. McNutt stated it would probably go for a tax foreclosure sale first. There was discussion on the back taxes and fees against the property. Mr. McNutt stated he would rather see the house repaired than demolished.

Mr. Wheeler questioned if he purchased the house, would he have to follow the same timelines or would he have to return to the Board and request additional time. Mr. McNutt stated decisions made today by the Board are based on the property, not the owner. The decision follows the property, if the Board accepts the recommendations made, it would be at least 30 days, and August 24, 2015 before he began any action. If Mr. Wheeler purchased the property and brought a plan that he Mr. McNutt felt was a feasible plan he would work with him on the timetable.

Chair Emig closed the public hearing.

FINDING OF FACT

Mr. Hyde moved the Finding of Fact as follows:

1. The Finding of Fact for 1119 Douglas Terrace shall include all information included in the notice of public hearing dated 7/1/15. The house was built in 1918. There are a lot of back taxes due, it was first condemned in 2013. There's over \$1,300 in City fee's associated with non-compliance and no interaction with the owner of record. There's a foundation failure on the west side of the house. There's over \$5,700 that start in 2011, and the County has started foreclosure on the property. Gary Wheeler spoke on a shared interest in this property, he owns the neighboring property and has expressed interest in taking ownership and could work on the water issues on both properties through landscaping. There was discussion on the best way to handle the matter it was tabled until the Board could make a decision on the Finding of Fact.

Mr. Wark supported the Finding of Fact.

Motion approved for the Finding of Fact by roll call vote unanimously.

Mr. Wark moved to approve the application, to accept the Staff Recommendations as stated, supported by Mr. Hyde.

Motion approved by roll call vote unanimously.

ANNOUNCEMENTS

ADJOURNMENT

Mr. Kiplinger moved to adjourn the meeting and was supported by Mr. Servis.

With a unanimous vote the meeting was adjourned at 2:25 p.m.

Submitted by: Deanna Benthin Date 8-20-15
BBA Recording Secretary
Deanna Benthin

Reviewed by: [Signature] Date 8-20-15
Building Official
Robert McNutt

Approved by: [Signature] Date 8-20-15
BBA Chair
Richard Emig