

**MINUTES
BUILDING BOARD OF APPEALS
October 15, 2015 2:00 p.m.
City Commission Chambers**

CALL TO ORDER

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

ROLL CALL OF BOARD MEMBERS

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

Members Absent: Charles Kiplinger

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

NEW BUSINESS

APPROVAL OF PREVIOUS MINUTES

Mr. Wark, seconded by Ms. Parfet moved to approve the minutes of July 16, 2015 as submitted, approved by voice call vote.

APPROVAL OF AGENDA

No changes to the agenda.

RE-HEARINGS

Mr. McNutt stated that he was asking the Board to reconsider the determinations on the following buildings. These buildings presently fall under two different grants slated for demolition. The buildings were brought before the Dangerous Buildings Boards previously and deemed by the Board to be dangerous buildings and hazardous to the community. Time has passed and nothing has been done to the buildings.

1020 E. Vine Street - this was previously brought to the Board as a building owned by Elbert Palmore. The title search showed him as the rightful owner. Mr. Palmore's daughter has since brought documentation that shows Willie White as the actual owner. There was a mishandling of paper work; the change of ownership was never shown.

818 Hazard Avenue - this building has new ownership and they are requesting to rehab the property. The City is requesting the Board to make the decision whether to allow the new

owners to rehab the building or give the rights back to the City to demolish the building under the grant.

1021, 1023, 1025 and 1029 W. North Street - these buildings were previously brought before the Board, and has since been bought and has new ownership. The City requests that the Board consider whether to allow the new owner to rehab the property or grant the City the request to demolish the buildings.

1020 E. Vine Street - This building is located in a Commercial (Local) Neighborhood District (Use Zone CN1) in the Edison neighborhood. The 32' X 157' (0.12 acre) property contains a 1,190 sq. ft. 1 story commercial building built in 1940. Nearby uses are residential dwellings. There are no historic considerations for this property. Willie White is referred to herein as owner of the property. The 2014 SEV is \$28,600. According to Assessor records, the Estimated True Cash value of the land alone is approximately \$27,623 and that of the entire property \$57,567.

Staff recommends adoption of the following motion:

The Building Board of Appeals finds that the structure and grounds at 1020 E. Vine Street constitutes a "Dangerous Building" and a blight due to the conditions and violations detailed in the 09/28/15 Dangerous Building Notice of Determination and Hearing. **The owner is ordered to obtain new permits and commence either demolition or exterior and structural repairs by October 22, 2015 and complete all exterior and structural repairs or demolition by November 16, 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. This includes performing the demolition or repair, either by City personnel or by contracting with a third party; acquisition of the property through eminent domain for repair or demolition; action in a court of law; or other appropriate means to gain compliance. All costs associated with these actions shall be assessed against the property.

Mr. McNutt stated he personally went to the property and feels there is no way anyone can rebuild this building. He does not feel this build is repairable. Structural and exterior repairs for the building are determined to be beyond repair. Estimated costs for demolition are approximately \$9,200.

Willie White, of 1202 W. Stateline Rd., Toledo, OH stated he wasn't informed at the time in May, 2015 that he wasn't the owner of the property and couldn't do anything to the property. Mr. McNutt called him later and told him he was the owner and now he's before the Board asking for ninety days to demolish the building. He knows the buildings in bad shape, but needs the extra time.

Ms. Servis questioned when he purchased the building. Mr. White stated on March 14, 1998. He moved with his wife to Toledo, OH when her job relocated. Mr. White would like to have Acce Demolition demolish the building and he can do the work for \$6,000. Chair Emig asked if Acce Demolition was an approved demolition contractor with the City. Mr. White stated Dave VanBuren had told him he was. Chair Emig stated it's a prerequisite that Acce Demolition would have to be a registered and approved demolition contractor with the City. Chair Emig

asked if Mr. White agreed the building wasn't salvageable, Mr. White agreed. Chair Emig questioned if the City would require a bond for this demolition. Mr. McNutt stated yes. Chair Emig asked Mr. White if he had the funds to demolish the building. Mr. White stated no, he wasn't aware he owned the building for sure until Mr. McNutt called him. Ms. Servis questioned if he thought he owned the building since March 14, 1998. Mr. White stated he didn't own the building until 2008 when he paid it off. Ms. Servis questioned the back taxes due. Mr. White stated he's aware back taxes are due, stating every year he pays enough to keep the city from taking the building. Ms. Parfet questioned what Mr. Whites intention was when he tore the building down. Mr. White stated he was going to just turn it into a green space. Ms. Parfet asked if he felt ninety days was enough time for him to raise the \$6,000 he needed. Mr. White said yes, he had relatives that would help him out financially.

Mr. McNutt stated when the property was brought before the Board the City did a title search by a title company. It didn't show Mr. White as the owner, it showed Elbert Palmore as the owner. The notices were sent out for the meeting, Mr. Palmore's daughter brought in a copy of the land contract. Mr. White's attorney failed to register the property into Mr. White's name correctly; therefore the title search did not show Mr. White as owner of the property. After Mr. Palmore's daughter brought him the copy of the land contract the paperwork was delivered to the clerk's office and the property is now in his name since August, 2015.

Mr. White gave the Board a request a ninety days to try and demolish the building. He's tried to sell the property and can't. He wants to demolish the building and leave it as green space. He's contracted a licensed contractor in Kalamazoo and he stated he has a contract for him to sign.

Chair Emig closed the public hearing.

FINDING OF FACT

Mr. Hyde moved the Finding of Fact as follows:

1. The Finding of Fact for 1020 E. Vine Street shall include all information included in the notice of public hearing dated September 28, 2015 and the summary information. The property owner, Mr. Willie White expressed his concerns over the property. He was told in June, 2015 he wasn't the owner of record. Since then he has been proven he's the owner. The paperwork was never filed to complete the transfer of ownership. Mr. White asked for ninety days to demolish the building himself and leave it as green space. He has a demolition contractor lined up to do it for less than what the City can do it for. He gave the Board a letter requesting the ninety days in writing.

Mr. Wark seconded the Finding of Fact.

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

Ms. Servis had concerns that Mr. White has been paying taxes since 1998, but didn't know if he owned the property or not. How could he try to sell the property if he didn't own it?

Mr. Hyde moved to accept the Staff Recommendations as stated with the exception to give Mr. White ninety days, seconded by Ms. Parfet.

Motion Approved by roll call vote.

Vote:

Yes: Emig, Wark, Parfet, Hyde

No: Servis

818 Hazard Avenue – This building is located in a Residential Single family District (Use Zone RS 5) in the Eastside neighborhood. The 44' X 132' (0.133 acre) property contains a 1,268 sq. ft. 2 story single family dwelling built in 1910. Nearby uses are residential dwellings. There are no historic considerations for this property. Daniel Primer, Jr. is referred to as owner. Structural and exterior repairs are estimated to cost approximately \$64,000. The 2014 SEV is \$33,527. According to Assessor records, the Estimated True Cash value of the land alone is approximately \$6,922 and that of the entire property \$40,449.

Mr. McNutt stated this building has an extended list of violations by the previous owner. The property was purchased by Mr. Primer with the intent of making repairs and use it as a rental property. He's spoken with Mr. Primer who is working with another gentleman that has sent him bank statements to show that they have the funds to make the repairs.

Staff recommends adoption of the following motion:

The Building Board of Appeals finds that the structure and grounds at 818 Hazard constitute a "Dangerous Building" and a blight due to the conditions and violations detailed in the 9/28/15 Dangerous Building Notice of Determination and Hearing. **It is requested that if the Board allows the owner to proceed with repairing the building that a performance bond be obtained prior to the work commencing in the amount of \$64,000. The owner is ordered to obtain new permits and commence either demolition or exterior and structural repairs by October 22, 2015 and complete all exterior and structural repairs or demolition by November 16, 2105.** 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. This includes performing the demolition or repair, either by City personnel or by contracting with a third party; acquisition of the property through eminent domain for repair or demolition; action in a court of law; or other appropriate means to gain compliance. All costs associated with these actions shall be assessed against the property. The estimated costs are as follows: Structural and exterior repairs – \$64,000; Demolition – \$9,800. A charge of \$1,000 for administrative costs shall also be assessed against the property if direct City abatement becomes necessary.

Daniel Primer, 6841 N. Sprinkle Rd, Kalamazoo, MI stated he owns other properties in Kalamazoo. He spoke with the previous owners and realizes the building is in bad shape, but feels it can be saved. He spoke with Mr. McNutt to see what it would take to get the building removed from the demolition list.

Chair Emig clarified that he had the funds to make the repairs and was willing to obtain a bond for the completion of the work. Mr. Primer replied yes. Ms. Servis questioned when he

purchased the property. Mr. Primer stated it was a couple months ago. Mr. Hyde questioned his timeline for occupancy. Mr. Primer stated within nine months.

Chair Emig closed the public hearing.

FINDING OF FACT

Mr. Wark moved the Finding of Fact as follows:

1. The Finding of Fact for 818 Hazard shall include all information included in the notice of public hearing dated September 28, 2015 and the summary information. Mr. Primer spoke to the Board stating he purchased the property in the summer of 2015 with the intent to rehab the building. He feels it would take nine months to complete and is willing to post a bond to keep it off the demolition list.

Ms. Servis seconded the Finding of Fact.

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

Mr. Wark questioned Mr. McNutt regarding Mr. Primer's other properties if he felt he would follow through. Mr. McNutt stated with the information he gathered from his Inspectors regarding Mr. Primer's other properties, he has updated those properties and is trying to purchase more. He understood when he purchased the property that this was on the demolition list and was still willing to purchase the property, understanding they may not be able to rehab it. Mr. Primer's partner showed they have the funds to move forward with the repairs. Mr. McNutt stated that they have the funds to make the repairs. He's worked hard to get the grant money to demolish this building, if he can't meet the requirements he'll lose the grant money and have a house sitting blighted in the middle of a neighborhood. He wanted a public hearing so the City didn't have to make the decision. Ms. Servis questioned what the time line was to make this happen.

Mr. McNutt stated he wanted no less than ten days to obtain the building permits and bond, he originally requested a \$64,000 bond, he would accept a \$20,000 bond, on or before 10/26/15. He required the building rough-in be approved within three months or before January 14, 2016, stating that would meet the City's requirements.

Mr. Hyde moved to approve the application, to accept the Staff Recommendations as stated with the change that he has ten days to obtain a \$20,000 bond, obtain all the permits, and within- ninety days be at an approved rough-in stage, seconded by Mr. Wark.

Motion approved by roll call vote unanimously.

1021, 1023, 1025 and 1029 W. North Street: – These properties are located in a Community Commercial District (Use Zone CC) in the Stuart neighborhood. The 127' x 120' (0.03 acre) property contains a 9,547 sq. ft. 1 story commercial building. Nearby uses are residential dwellings and community commercial. There are no historic considerations for this property.

Harbhajan Multani is referred to as owner. Structural and exterior repairs for the building are estimated to cost approximately \$300,000 plus. The 2014 SEV is \$99,091. According to Assessor records, the Estimated True Cash value of the land alone is approximately \$94,428 and that of the entire property \$193,519.

Mr. McNutt stated there are four separate properties, four separate buildings attached in some form. These properties were brought to the Dangerous Buildings Board on October 2, 2014. The properties were deemed by the Board to be a dangerous building and blight to the community and ordered that the owners move forward to repair or demolish all properties. Since that time, Mr. Multani has purchased the property from the original owners. The property is still in bad shape. Mr. Multani and his architect met with Mr. McNutt with a preliminary plan, but he never saw anything farther, it's still a blight. There have been no permits pulled, no action on the plans discussed.

Staff recommends adoption of the following motion:

The Building Board of Appeals finds that the structure and grounds at 1021 W. North, 1023 W. North, 1025 W. North and 1029 W. North Street constitutes a "Dangerous Building" and a blight due to the conditions and violations detailed in the 9/28/15 Dangerous Building Notice of Determination and Hearing. **It is requested that if the Board allows the owner to proceed with repairing the building that a performance bond be obtained prior to the work commencing in the amount of \$300,000. The owner is ordered to obtain new permits and commence either demolition or exterior and structural repairs by October 22, 2015 and complete all exterior and structural repairs or demolition by November 16, 2105.** 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. This includes performing the demolition or repair, either by City personnel or by contracting with a third party; acquisition of the property through eminent domain for repair or demolition; action in a court of law; or other appropriate means to gain compliance. All costs associated with these actions shall be assessed against the property. The estimated costs are as follows: Structural and exterior repairs -\$300,000 plus; Demolition – \$87,500. A charge of \$1,000 for administrative costs shall also be assessed against the property if direct City abatement becomes necessary.

Mr. Harbhajan Multani, 5299 Snowbird Ct., Kalamazoo MI stated he was the owner. Chair Emig commented on the costs of this project, the \$300,000 for the repairs and estimated \$87,500 for the demolition and the need for the performance bond for both. Mr. Multani stated he purchased the buildings in September, 2014, he didn't know the buildings had violations until he received the letters. He knows the sheds are in bad shape and wants to demolish the sheds. Chair Emig asked if he had talked to the City yet about demolishing them. Mr. Multani stated he was going to when he found someone to demolish them. He doesn't have the money to demolish the buildings all at once and proposed to demolish them separately, throughout sometime next year. Mr. Multani wasn't aware how much the property taxes were; he spent over \$100,000 and feels he has nothing.

Ms. Servis asked when he purchased the building in September, 2014; didn't he visit the building prior to buying it? Mr. Multani stated he passed by the building but didn't know what shape they

were in. Ms. Servis questioned how he didn't see the four condemned signs on the buildings over the years.

Mr. McNutt stated Mr. Multani bought the property, then came to speak with him, he didn't feel Mr. Multani understood there wasn't more property attached. The properties on both sides are owned by other parties. Mr. Multani has asked what to do with the property; he owns other properties in the City. He doesn't believe he fully understood what he was buying when he bought this property. He also owns properties on Douglas Avenue.

Ms. Parfet asked Mr. Multani how he felt about the bond requirements. Mr. Multani stated it was a lot of money. He's asking that he be allowed to demolish the buildings by himself, start with demolishing the sheds, and then demolish the other buildings over the next year. He feels he can find someone else cheaper. Ms. Servis clarified they would have to be licensed contractors with the City. Mr. Multani stated the person he's working with knows he can't demolish the building without a permit.

Chair Emig clarified the bond requirements. Mr. McNutt stated the high bond requirements are because this property has gone through so many changes; it's a blight in the neighborhood and on the corner. The lentils on 1023 W. North St. have separated, some mortar has been stuck in there, but the whole front of the buildings buckled. In the City's opinion this is a dangerous building, he's working on a grant right now, if he loses the grant, the City doesn't have the funds to demolish the building. They've made several attempts to take care of this building, he understands Mr. Multani doesn't have the money to do this, but he has to considered the safety of all of the citizens of the City and not be blinded by the concern of money.

Mr. Multani stated he doesn't feel the building is dangerous.

Speaking in opposition:

Max Tibbitts, 501 Elm St. Kalamazoo, Chair of the Stuart Neighborhood Association stated the Stuart Neighborhood owns both lots on the sides of these buildings. They've had many public forums and meetings regarding these buildings. Mr. Multani also owns Daysha's and they've had issues with that property being in the neighborhood. Mr. Multani hasn't taken care of the buildings, the broken windows, or the land. The Stuart Board voted to allow the buildings to be demolished, because the buildings aren't salvageable. He has concerns with the façade falling on the children waiting for the bus in front of the building. If the City has a grant it seems an absolute way for the City to obtain what's best for the neighborhood.

Dana Underwood, 229 Stuart, Kalamazoo, MI, she stated she's on the Stuart Neighborhood Board, but she's speaking as a resident of the neighborhood. She commented on the public meetings the Stuart Neighborhood Association held and that Mr. Multani's architect showed up, but not with complete plans or an idea what was actually intended. She stated her concerns that Mr. Multani stated he didn't have the funds for the complete demolition at this time. It's leaving a dangerous situation for the school bus stop.

Brad Loomis stated he owns Station 702 which is directly across the road from this property. He stated his concerns over the status of this building over the past eight years and the lack of maintenance. He had interests in the 712 Douglas Avenue building that Mr. Multani owns, but found out the building didn't have a Certificate of Occupancy due to the poor conditions of the building. He spoke of his concerns that Mr. Multani stated he wasn't aware the building was condemned with four condemnation notices posted on the four buildings. He doesn't feel this building contributes to the area and supports the buildings being demolished.

Valarie Bader, 418 Stuart, Kalamazoo, MI stated she's a member of the Stuart Neighborhood Board and new resident to the area. She works at the Woodward Elementary School which is near these buildings being discussed. She stated her concerns with her children playing in the area and the safety of these buildings.

Jason Newton, 1880 W. D. Ave, Kalamazoo, MI stated he's an investor in Kalamazoo area and owns 702 Douglas Avenue. He stated as a landlord you have a responsibility to maintain your properties. This building has been a constant blight on the corner and continues to deteriorate more yearly. He stated the City has a great opportunity to solve this problem of this blight.

Sarah Hoisington, Executive Director of the Stuart Area Restoration Association stated this property during the winter is not plowed, there's debris and bricks all over. People have to walk in the street because you can't get down the sidewalk.

Chair Emig closed the public hearing.

FINDING OF FACT

Ms. Parfet moved the Finding of Fact as follows:

1. The Finding of Fact for 1021, 1023, 1025 and 1029 W. North Street shall include all information included in the notice of public hearing dated September 28, 2015 and the summary information. On 9/22/14 was the first time these properties were deemed dangerous. Since then Harbhajan Multani purchased the property and made some minor repairs. He met with the City and showed a preliminary plan from an architect, but it's still considered a blight. Staff recommended that if the Board allows the owner to proceed with the repairs that a performance bond is obtained prior to the work commencing in the amount of \$300,000. The City finds it a blight and would like it torn down. The owner is ordered to obtain new permits and commence either demolition or exterior and structural repairs by October 22, 2015 and complete all exterior and structural repairs or demolition by November 16, 2105. Mr. Multani stated he bought the buildings last year, there were a lot of violations and he had no prior knowledge of them. He's trying to do something, the sheds seem to be in bad shape and wants to demolish the sheds and see what the conditions are after. He's waiting on estimates and doesn't believe it's worth fixing, but can't afford to demolish it all at one time. He doesn't have the money to do a \$300,000 bond. He mentioned he had about a \$100,000 investment in the property, including \$70,000 in

purchase costs and over \$12,000 in taxes. He wants to recover some of this money and needs more time. Mr. McNutt commented he didn't feel Mr. Multani knew exactly what he was purchasing. Mr. Multani is asking to demolish the buildings by himself. He will demolish the sheds in one month and is asking until next year to demolish the other buildings. Max Tibbitts from the Stuart Neighborhood Association gave some background on how the Association is in strong favor of the buildings coming down with the grant money the City has. Dana Underwood also reiterated the same concern that timeliness is of the essence. Brad Loomis a local business owner also believes it to be a blight and would like to see it torn down. Valerie Bader agreed and had concerns with school children being in the area. Jason Newton believes it's a blight and should be torn down immediately and if not nothing will happen. Sarah Hoisington believes the same.

Mr. Wark seconded the Finding of Fact.

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

Mr. Wark moved to approve Staff Recommendations as stated, seconded by Ms. Servis.

Motion approved by roll call vote unanimously.

ANNOUNCEMENTS

ADJOURNMENT

Mr. Wark moved to adjourn the meeting and was seconded by Mr. Hyde.

With a unanimous vote the meeting was adjourned at 3:16 p.m.

Submitted by: Deanna Benthin Date 11/19/15
BBA Recording Secretary
Deanna Benthin

Reviewed by: [Signature] Date 11/19/15
Building Official
Robert McNutt

Approved by: [Signature] Date 11/19/15
BBA Chair
Richard Emig