

**MINUTES
BUILDING BOARD OF APPEALS
February 18, 2016 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, Charles Kiplinger, Vice Chair, Linda Servis, Emily Parfet, David Hyde

Members Absent: Gary Wark

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

NEW BUSINESS

APPROVAL OF PREVIOUS MINUTES

Mr. Hyde, seconded by Ms. Servis moved to approve the minutes of January 21, 2016 as submitted, approved by voice call vote.

APPROVAL OF AGENDA

INITIAL HEARINGS

1852 S. Burdick Street – This property is located in a Commercial Local Neighborhood District (Use Zone CN-1) in the Southside neighborhood. The 66' X 99' (0.016 acre) property contains a 4,356 sq. ft. 1 story commercial building built in 1916. Nearby uses are residential dwellings and commercial. There are no historic considerations for this property. **A-1 REFRIGERATION SALES & SERVICE, INC.** is shown as Owner with no existing mortgages. There have been five Federal Tax Liens dating back to 2012. The 2015 SEV is \$31,200. According to Assessor records, the Estimated True Cash value of the land alone is approximately \$31,975 and that of the entire property \$62,972.

Benno Trenkle, 88 Michigan Avenue, South Haven, stated he's trying to decide at the age of 69 if he wants to put any more money into this building. The building is up for sale at \$25,000, a low amount since it has a condemned sign on it. He stated the potential purchasers could meet with an engineer and see what they need to do to bring the building up to code for their proposed

use. He stated he more or less gave up on the building and moved his shop to South Haven. Mr. Trenkle stated he is the owner; he had a land contract with A-1 Refrigeration that never got transferred. He will handle transferring ownership after he returns from vacation.

Ms. Servis questioned if the prospective buyers were aware of the back taxes owed. Mr. Trenkle stated yes.

Mr. Hyde asked how long of a time extension he was requesting. Mr. Trenkle requested six weeks.

Chair Emig asked if Mr. Trenkle had paid his taxes. Mr. Trenkle stated they were almost current, stating if he had buyer they would get paid, but he currently has a payment plan with the county.

Chair Emig stated his concerns with the number of years this property has been a blighted property, the number of violations against this property, and he's asking for the City to give him another six weeks to try and sell the property and the existing problems to another buyer. Mr. Trenkle stated he would rather someone else took care of it or give the property to the City. He just wants a resolution. He stated he hasn't been open for business at that location for over a year and a half, he only stores equipment there.

Mr. McNutt stated he condemned the property on 1/24/13 with the Fire Marshal, Jim Williams and other City Inspectors. They were in the building do to smoke coming from the roof of the building. They found the building to be in disrepair, there is no electric to the building, their running electrical cords from a house on Maple Street behind this building. They were using unapproved wood stoves, open flame salamander heaters with combustible liquids and combustible materials in the building. The building was unkempt, there are several unsafe issues with the building, the walls are bowed, trees are pushing on the walls and roof causing serious cracks, supporting posts holding the frame work of the roof structure are cracked. Since 2013 he's been there several times and there have been occupants in the building. Once it's condemned by the City you cannot be in the building or use the building unless you are actually working on repairing the building. He's had to ask people to leave the building of several occasions. He stated Mr. Trenkle has been in contact with City Inspectors and has been told they are only storing product in the building. Ms. Parfet asked if they are allowed to store items in the building if it's condemned. Mr. McNutt replied no, they cannot use the building once it's condemned, it's considered unsafe and uninhabitable. He stated he's had calls from interested parties with questions and he's read them the condemnation notice and violations. Mr. McNutt stated he didn't feel the Board should grant any more time extensions, they've been asked several times for extensions and the building is a blight to the community and he believes it should be removed or repaired.

Staff recommends adoption of the following motion:

The Building Board of Appeals finds that the structure and grounds at 1852 S. Burdick Street constitutes a "Dangerous Building" and a blight due to the conditions and violations detailed in the 02/03/16 Building Board of Appeals Notice of Determination and Hearing. **The owner is ordered to obtain new permits and commence either demolition or exterior and structural**

repairs by February 25, 2016 and complete all exterior and structural repairs or demolition by March 21, 2016. The estimated costs are as follows: Structural and exterior repairs – \$85,000; Demolition – \$23,200. A charge of \$1,000 for administrative costs shall also be assessed against the property if direct City abatement becomes necessary.

Mr. Hyde questioned what the attached Federal tax liens in the summary packet were. Mr. McNutt stated they were found when the title search was done.

Chair Emig closed the public hearing.

FINDING OF FACT

Mr. Hyde moved the Finding of Fact as follows:

1. The Finding of Fact for 1852 S. Burdick shall include all information included in the notice of public hearing dated 2/3/2016 and the summary information. Mr. Benno Trenkle, owner of the property spoke to the Board, stating he lives in South Haven now and has moved his shop there also. At age 69 he doesn't want to make an investment into the property and has asked for a six week extension to work with investors for a better solution. He will be going on vacation for seven days and will work on a solution when he returns. Mr. McNutt gave a report on the property and explained he and the Fire Marshal had condemned the building even though it continues to be used to store material and equipment.

Ms. Parfet questioned if the Board did grant the six weeks extension, how they could be assured all the information regarding the condemnation and violations would be conveyed to the new owners. Chair Emig stated the new owners would have to investigate and do their due diligence to investigate in order to be aware of what they are purchasing as any new owner should.

Ms. Servis seconded the Finding of Fact.

Motion approved for the Finding of Fact by voice vote unanimously.

Mr. Hyde moved to approve the application to accept the Staff Recommendations as stated, seconded by Ms. Servis.

Vote: Approved by roll call vote.

Yes: Hyde, Servis, Emig

No: Parfet

Abstained: Kiplinger

1316 Mills Street - This property is located in a Residential, Duplex District (Use Zone RD-19) in the Edison neighborhood. The 50' X 132' (0.150 acre) property contains a 1,744 sq. ft. 2 story Single family dwelling built in 1896. Nearby uses are residential dwellings, residential multi-family dwellings, commercial and religious structure. There are no historic considerations

for this property. **HARBOUR PORTFOLIO VII LP**, is shown as Deed Holder. A 2014 Land Contract (\$32,900) was filed on 12/29/14 with Larry H. Bradley, the taxpayer.

Mr. McNutt stated the exterior violations were for lack of maintenance on the exterior. There was a fire at this building on 11/30/15, it caused interior/exterior and structural damage that made the building unsafe. Fire condolence letters requesting information went out to all of the owners and the City hasn't received any insurance funds on this structure. The estimated costs are as follows: Structural and exterior repairs – \$65,000; Demolition – \$15,500. A charge of \$1,000 for administrative costs shall also be assessed against the property if direct City abatement becomes necessary. The 2015 SEV is \$26,200. According to Assessor records, the Estimated True Cash value of the land alone is approximately \$13,679 and that of the entire property \$53,335.

Staff recommends adoption of the following motion:

The Building Board of Appeals finds that the structure and grounds at 1316 Mills Street constitutes a "Dangerous Building" and a blight due to the conditions and violations detailed in the 02/03/2016 Building Board of Appeals Notice of Determination and Hearing. **The owner is ordered to obtain new permits and commence either demolition or exterior and structural repairs by February 25, 2016 and complete all exterior and structural repairs or demolition by March 21, 2016.** 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 owner has the right to appeal the Board's decision within twenty-one days to the Circuit Court.

There were no comments from the public.
Chair Emig closed the public hearing.

FINDING OF FACT

Ms. Parfet moved the Finding of Fact as follows:

1. The Finding of Fact for 1316 Mills Street shall include all information included in the notice of public hearing dated 2/3/2016 and the summary information. The property was deeded over on a Land Contract in 2014, it became a blight due to a fire on 11/30/15 that caused interior/exterior and structural damage that made the building unsafe. Staff recommendation is that building is a blight to the community and that the owner is given the option either to make repairs or demolish the building, obtaining permits by February 25, 2016 or demolition by March 21, 2016.

Ms. Servis seconded the Finding of Fact.

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

Ms. Servis moved to approve the application, to accept the Staff Recommendations as stated, seconded by Mr. Hyde.

Motion approved by roll call vote unanimously.

OTHER BUSINESS:

Mr. Hyde moved a recommendation to appoint Lyndia Bruckbauer as a Board member for to the City Commission, second by Chair Emig.

Motion approved by voice vote unanimously.

Ms. Servis asked if there were any updates regarding 329 E. Ransom Street that had a February 2, 2016 deadline. Mr. McNutt stated he hasn't had any response from the owner and is moving forward with enforcement on the property.

Mr. McNutt stated the City is still working on setting up the training for the City's Board members regarding how to run a board meeting and he'll contact the members as soon as he has any information.

ADJOURNMENT

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

With a unanimous vote the meeting was adjourned at 2:28 p.m.

Submitted by: Deanna Benthin Date 3/16/16
BBA Recording Secretary
Deanna Benthin

Reviewed by: [Signature] Date 3/16/16
Building Official
Robert McNutt

Approved by: [Signature] Date 3/16/16
BBA Chair
Richard Emig