

**MINUTES
BUILDING BOARD OF APPEALS
July 21, 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, David Hyde, Lyndia Bruckbauer

Members Absent: Emily Parfet, Gary Wark

City Staff: Robert McNutt, Building Official; Carmela Hostiguin, Recording Secretary

NEW BUSINESS

APPROVAL OF PREVIOUS MINUTES

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

APPROVAL OF AGENDA

No changes to the agenda.

INITIAL HEARINGS

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

117 Reed Ave – This building is located in a residential /multi dwelling district (Use Zone RM15), in the Edison Neighborhood. The 33'x132' (.10 acre) property contains a 940 sq ft 2 story residential dwelling built in 1886. Nearby uses are residential and commercial. There are no historic considerations for this property.

Mr. McNutt stated this property has had long term deterioration, failure to maintain facia and soffet. House has peeling paint, no utilities; several window frames are deteriorating. Roof has failed at rear of house. Significant damage to interior of house, side porch also has failed. Structural and exterior repairs for the building are estimated to cost \$42,000. Estimated cost for the demolition is approximately \$12,000. The 2016 SEV is \$13,000. According to Assessor records, the estimated true cash value of the land alone is approximately \$12134 and that of the entire property \$26,194.

Staff recommends adoption of the following motion.

Building Board of Appeals finds that the structure and grounds at 117 Reed Ave. constitutes a dangerous building and a blight due to the conditions and violations stated in the June 28, 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 July 29, 2016 and complete all exterior and structural repairs or demolition by August 25, 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

Mrs. Servis moved the Finding of Fact as follows:

1. The Finding of Fact for 117 Reed Ave shall include all information included in the notice of public hearing dated June 28, 2016 and the summary information.

Mrs. Bruckbauer seconded the Finding of Fact.

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

1113 Engleman Ave. – This property is located in the City of Kalamazoo, owner of record is Jeremy Jaynes who resides at this property address. Mr. McNutt brought this case to the Building Board of Appeals to make a decision on whether or not the City cited this property correctly. The notice of violation is February 25, 2016. (Pictures of the cited violations were provided to the board, as well as recent pictures that Mr. Jaynes provided on July 20, 2016).

Mr. McNutt stated the property was cited under Chapter 22-3A, TRASH/DEBRIS NUISANCE. Owner/occupant of any lot/land, public or private, shall not allow, maintain or permit any trash, garbage, rubbish, debris, waste or similar offensive or unsightly manner. Mr. McNutt continued to disclose the inspector notes to the board: “Milk cartons, wood piles, items under tarps, ladders, large plastic tanks; entire rear yard is in disarray and is requiring serious attention. Please contact our office to discuss a plan of action”.

Mr. McNutt stated it is the City’s opinion that the piles of debris and the pictures taken on 02/23/2016 meets the intent of the code for the violation cited. He said he drove by the property that afternoon of July 21, 2016 and the area is now hidden and hard to see from the street because of the over grown vegetation. After receiving the violation notice Mr. Jaynes came forward to the City and spoke to him and the Code Compliance Inspector; he is disputing the violation, and is in disagreement with the City. He said the debris on his property is a natural habitat and everything there is being used for permaculture purpose. Mr. McNutt said that his opinion as a Code Compliance Manager was that this constitutes rubbish, trash, debris nuisance and a habitat for rodents. He is presenting this to the Building Board of Appeals, in order to achieve a decision whether this violation was properly cited at 1113 Engleman Ave.

Chair, Richard Emig called for anyone speaking on 1113 Engleman’s behalf to come up and state their name, address and phone number.

Jeremy Jaynes, property address 1113 Engleman Avenue and phone number is 269-552-8156. Mr. Jaynes stated he is creating a Polaner preserve and rebuilding soil, cultivating wild milk weed, and horticultural including peach trees, black raspberries and walberries. He indicated he did an integrated play space and is using re-purpose material for building art, arbors and fence sectionals for friends and carts. Mr. Jaynes stated that things featured in the pictures are all useful things; he collects trash on a weekly basis most of which is not his, and is trying to keep his property clean and free of any dangerous material that has acquired over time. He stated everything in his backyard is organized and with purpose. Wood piles are there from October to May, depending on the weather. Mr. Emig asked if Mr. Jaynes was burning wood in the City. Mr. Jaynes replied no, he has a wood burning stove and the wood is used for that purpose. He proceeded to state that he is constantly cleaning and sorting branches, wood twigs for that matter. He’s built a natural trellis, built from re-used wood, for his black grapes and blackberries. In his estimation and experience, the natural habitat he is preserving on his property is by far a greater benefit of what was there and what has been done in the past. He mentioned there used to be abandon cars, tires, busted glass, refrigerators and the house wasn’t habitable; since he’s acquired the property he works every week in picking up his property, and now his kids can play barefoot. Mr. Jaynes disagrees entirely with what is being said about trash and debris in his backyard; he keeps the front side of the property mowed and clean on a regular basis. He

indicated to the board that he has years' experience in working in construction and re-purposing materials throughout the community and throughout the country. He's lived on farms since he was very young and he believes he shouldn't of have been cited for this at all.

Mr. Emig asked Mr. Jaynes if he had seen the pictures taken on February 25, 2016, and he responded with yes, he said the pictures were taken right at the end of winter and he had very little time to work on it. Mr. Jaynes indicated that the wood under the tarp is wood that needs to be maintained dry and that is why the tarp is over it.

Mr. Hyde asked Mr. Jaynes if he had a purpose for the milk jugs that were also cited on this violation, and he replied with yes he uses them as water spigots for gathering rain water that is used for watering the strawberries and peach trees. The tubs that are referenced in the pictures are for irrigation purposes for some of the fruit products. Mrs. Servis asked about the water tank and he indicated to the board it was another source to catch rain water.

Mr. Hyde mentioned to the board that Mr. Jaynes uses milk containers to water his trees, which constitutes a trash nuisance where as if other people use plastic containers then it wouldn't be. He indicated he is re-using something for another useful purpose and he can attest on Mr. Jaynes behalf that his property is well organized and everything that is there he is using for a better use.

Mrs. Servis told Mr. Jaynes that if she were his neighbor, she would be concerned about the state of the property and she would be calling the trash hot line, she also asked him if he would consider building a pole barn for storage. Mr. Jaynes said he is creating a clean safe place for young people including his children, and he is not just collecting milk jugs; everything there is for re-purposing uses, and he is a self-employed single parent of three children and cannot afford to build a pole bard. Mrs. Servis asked Mr. Jaynes if he would describe his back yard as being disorganized, and he said no not at all, there is a specific system of organization that he's worked with to organize everything in order. Mr. McNutt asked Mr. Jaynes about the lumber that is stacked under the green tarp and the wood brush pile that is accumulated on the property. Mr. Jaynes said he uses the wood to build place structures, he demonstrated on the picture as an example that he used one for the grape vines. He described it as a trellis that was made from natural material. Mr. McNutt reiterated the ordinance in relation to piles of debris and that it's a rodent attraction; he also said that there have been several complaints from the public for that street in that area.

Board member Mrs. Bruckbauer told Mr. Jaynes her concern was the safety of unattended children and adults, and asked if that area was fenced in. Mr. Jaynes said no, and a privacy fence would probably be considered if he had the money to do it. Mr. Emig asked for clarification on the pictures provided to the board from Mr. Jaynes; he asked if the things that were first cited back in February 2016 are still there. Mr. Jaynes replied with yes some of the stuff is still there. Pictures provided will show the grown vegetation covering it.

Mr. Hyde asked Mr. Jaynes what he is going to do better, going forward, that will make his property in compliance with City ordinances. He replied with building a better fence if need to; he wants to be complaint with the City, but he feels he shouldn't have to build the fence. He reiterated he still disagrees with what the City is calling trash and debris on his property.

Mr. McNutt stated to the board that the reason why he brought this case to today's meeting was to be able to give Mr. Jaynes the opportunity to present his case and to be able to get the board's decision weather this violation met the ordinance after hearing what Mr. Jaynes had to say.

Chair Emig closed the public hearing.

Mr. Hyde made a motion, he believes the things located on my Jaynes property are not considered debris; seconded by Mr. Kiplinger.

It was then decided by a roll call vote.

Mr. Hyde: yes

Mrs. Servis: no

Mr. Kiplinger: yes

Mr. Emig: no

Mrs. Bruckbauer: no

Mr. McNutt announced the board's decision by roll call vote that the ordinance stays and the violation will need to be paid, he stated the additional fee assessed and any late fees will be waived. Mr. Jaynes was informed he has 21 days to file an appeal.

Motion approved by roll vote unanimously.

ANNOUNCEMENTS

ADJOURNMENT

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

With a unanimous vote the meeting was adjourned at 3:15 p.m.

Submitted by: Carmel Hostigui Date 8-18-16
BBA Recording Secretary
Carmela Hostigui

Reviewed by: [Signature] Date 8/18/16
Building Official
Robert McNutt

Approved by: [Signature] Date 8-18-16
BBA Chair
Richard Emig