

**MINUTES  
BUILDING BOARD OF APPEALS  
June 28, 2018 @ 2:00pm  
City Commission Chambers**

**CALL TO ORDER**

Chair Emig called the meeting to order at 2:01 p.m.

**ROLL CALL OF BOARD MEMBERS**

**Members Present:** Richard Emig, Chair, Gary Wark, Linda Servis, David Hyde, Lyndia Bruckbauer

**Members Absent:** Chuck Kiplinger, Emily Parfet

**City Staff:** Robert McNutt, Building Official; Karleen Steppenwolf, Recording Secretary; Marcia Jones, City Attorney; Roger Iveson, Lead Building Inspector

**NEW BUSINESS**

**APPROVAL OF PREVIOUS MINUTES**

Mr. Hyde, seconded by Mr. Wark moved to approve the minutes of January 18, 2018 as submitted, approved by voice call vote.

**APPROVAL OF AGENDA**

Mr. Hyde, seconded by Mr. Emig moved to approve the agenda as submitted.

Motion approved by roll call unanimously.

**INITIAL HEARINGS**

The following properties were presented to the board for a public hearing:

**118 W Emerson St**

This property is located in a Residential Single Dwelling District (Use Zone RS-5) in the Southside neighborhood. The 44'x 88' (0.089 acre) property contains a 1,344 sq. ft. 2 story residential building built in 1921. Nearby uses are residential dwellings and commercial. There are no historic considerations for this property.

Mr. McNutt did want to make note that the property owner was here last week, June 19, 2018 for the Building Board of Appeals, but the meeting was canceled due to lack of quorum.

Mr. McNutt stated that this property has been cited for exterior and structural repairs since 2015. There have been numerous enforcements, condemnations posted and letters sent out and as of right now the city has not received any plans or contact from the owner on how the repairs will be made. Mr. McNutt stated that he does have a set of photographs that have been taken and you can see that the foundation has a hole in it and roof structure is failing.

Mr. Terry Bouwhuis, owner, was present to represent this property. Mr. Bouwhuis has owned the property for several years and when he looked into repairing it he stated that he had three contractors say it was viable to repair. Last week Mr. Bouwhuis contacted Mr. Fleckenstein and he thought he could find a buyer for it. Mr. Bouwhuis stated he has not been able to get back ahold of Mr. Fleckenstein because he is out of state at this time. Mr. Bouwhuis is asking for a 30 day extension to see if Mr. Fleckenstein is interested in this property.

Mr. Emig stated that this has been an outstanding problem for 3 years and it puts the board in a difficult dilemma. Mr. Emig stated that Mr. Bouwhuis being the owner needed to be in contact with Mr. McNutt.

Mr. Wark was enquiring if Mr. Fleckenstein was interested in handling the sale of the property, but needs to access it first. Mr. Wark stated that Mr. Fleckenstein is in Colorado and will be back July 2<sup>nd</sup>.

Mr. McNutt stated that while we are here having a conversation he received an email from Mr. Fleckenstein (6/28/2018 @ 2:16pm). Mr. Fleckenstein stated that he did have business with Mr. Bouwhuis and that he thought the property could be restored and to consider this while making a decision.

Mr. Hyde does not want this house to be sold just to pass the problem on to someone else.

Mr. Bouwhuis thinks the house would be repaired quickly if sold.

Mr. McNutt stated whether Mr. Fleckenstein or his contractors could properly repair this house with its serious problems. Is the investment worth the return on this property? Mr. McNutt stated that the owner failed to make repairs and the city stands with its recommendation.

Mr. Bouwhuis again stated he would like to sell the property and then it would stay on the tax rolls.

Mr. Wark stated that the Notice of Determination went out on May 1 and the deadline was May 15, it's now June 28 and nothing has happened and no permits have been pulled. If he pulls permits on June 29 it's too late.

Mr. McNutt did inform Mr. Bouwhuis that he has 21 days to appeal the motion of the Building Board of Appeals to the Circuit Court.

Structural and exterior repairs for the building are estimated to cost approximately: not recommended for repair. Estimated costs for demolition are approximately \$16,000. The 2018 SEV is \$26,200. According to Assessor records, the Estimated True Cash value of the land alone is approximately \$16,069 and that of the entire property \$59,505.

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

### **FINDING OF FACT**

**Ms. Servis moved the Finding of Fact as follows:**

1. The Finding of Fact for 118 W Emerson St shall include all information included in the notice of public hearing dated June 15, 2018 and the summary information.

**Mr. Wark 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.**

Motion approved by roll vote unanimously.

### **441 Bessie St**

This property is located in a Commercial Neighborhood District (Use Zone CN-1) in the Northside neighborhood. The 43'x66' (0.065 acre) property contains a 1,314 sq. ft. 2 story residential building built in 1890. Nearby uses are residential dwellings and commercial. There are no historic considerations for this property.

No one was present to represent this property.

Structural and exterior repairs for the building are estimated to cost approximately \$62,000. Estimated costs for demolition are approximately \$18,000. The 2018 SEV is \$15,800. According to Assessor records, the Estimated True Cash value of the land alone is approximately \$5,279 and that of the entire property \$39,403.

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

**FINDING OF FACT****Mr. Wark moved the Finding of Fact as follows:**

1. The Finding of Fact for 441 Bessie St shall include all information included in the notice of public hearing dated June 15, 2018 and the summary information.

**Ms. Servis seconded the Finding of Fact.**

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

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

Motion approved by roll vote unanimously.

**718 Staples Ave**

This property is located in a Residential Multi Dwelling District (Use Zone RM-15) in the Northside neighborhood. The 43'x74' (0.073 acre) property contains a 1,488 sq. ft. 2 story residential building built in 1900. Nearby uses are residential dwellings and commercial. There are no historic considerations for this property.

No one was present to represent this property.

Mr. McNutt stated he was sad to note that no one came forth on this property. The fire damage was significant, but if it was taking care of sooner the house would not be in as bad of shape. This property is in a stressed out area and there are small children getting in. The property has been boarded several times.

Structural and exterior repairs for the building are estimated to cost approximately \$15,000. Estimated costs for demolition are approximately \$16,500. The 2018 SEV is \$15,100. According to Assessor records, the Estimated True Cash value of the land alone is approximately \$13,368 and that of the entire property \$32,943.

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

**FINDING OF FACT****Mr. Hyde moved the Finding of Fact as follows:**

1. The Finding of Fact for 718 Staples Ave shall include all information included in the notice of public hearing dated June 15, 2018 and the summary information.

**Mr. Wark seconded the Finding of Fact.**

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

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

Motion approved by roll vote unanimously.

**1211 Bridge St**

This property is located in a Residential Single Dwelling District (Use Zone RS-5) in the Eastside neighborhood. The 49.5'x112' (0.127 acre) property contains a 1,342 sq. ft. 2 story residential building built in 1885.. Nearby uses are residential dwellings and commercial. There are no historic considerations for this property.

No one was present to represent this property.

Mr. McNutt stated that this house has been neglected for too long and is in very bad shape. It is beyond repair. It appears hoarding may have been going on. This property sits in a decent neighborhood, but has been forgotten. There is trash & debris all over the property.

Structural and exterior repairs for the building are estimated to cost approximately: not recommended for repair. Estimated costs for demolition are approximately \$14,800. The 2018 SEV is \$15,500. According to Assessor records, the Estimated True Cash value of the land alone is approximately \$7,738 and that of the entire property \$39,008.

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

**FINDING OF FACT****Ms. Burekbauer moved the Finding of Fact as follows:**

1. The Finding of Fact for 1211 Bridge St shall include all information included in the notice of public hearing dated June 15, 2018 and the summary information.

**Ms. Servis seconded the Finding of Fact.**

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

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

Motion approved by roll vote unanimously.

**1503 Washington Ave**

This property is located in a Residential Multi Dwelling District (Use Zone RM-15) in the Edison neighborhood. The 33'x100' (0.076 acre) property contains a 1,488 sq. ft. 2 story residential building in 1910. Nearby uses are residential dwellings and commercial. There are no historic considerations for this property.

No one was present to represent this property.

Mr. McNutt stated that this property is a total loss due to fire. There is a \$12,508 fire escrow on this property.

Structural and exterior repairs for the building are estimated to cost approximately: not recommended for repair. Estimated costs for demolition are approximately \$16,500. The 2018 SEV is \$21,200. According to Assessor records, the estimated true cash value of the land alone is approximately \$8,998 and that of the entire property is \$47,961.

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

**FINDING OF FACT****Mr. Wark moved the Finding of Fact as follows:**

1. The Finding of Fact for 1503 Washington shall include all information included in the notice of public hearing dated June 15, 2018 and the summary information.

**Ms. Servis seconded the Finding of Fact.**

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

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

Motion approved by roll vote unanimously.

**915 Princeton**

This property is located in a Residential Multi Dwelling District (Use Zone RM-36) in the Northside neighborhood. The 33'x132' (0.100 acre) property contains a 1,519 sq. ft. 2 story residential building built in 1905. Nearby uses are residential dwellings and commercial. There are no historic considerations for this property.

No one was present to represent this property.

Mr. McNutt stated this property was heavily damaged due to a fire and there is no fire escrow for this property.

Structural and exterior repairs for the building are estimated to cost approximately: not recommended for repair. Estimated costs for demolition are approximately \$18,000. The 2018 SEV is \$20,800. According to Assessor records the Estimated True Cash value of the land alone is approximately \$6,540 and that of the entire property \$51,194.

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

## **FINDING OF FACT**

### **Ms. Servis moved the Finding of Fact as follows:**

1. The Finding of Fact for 915 Princeton Ave shall include all information included in the notice of public hearing dated June 15, 2018 and the summary information.

### **Mr. Wark 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 Mr. Wark.**

Motion approved by roll vote unanimously.

## **518 Ada St**

This property is located in a Residential Single Dwelling District (Use Zone RS-5) in the Northside neighborhood. The 44'x107' (0.108 acre) property contains a 1,409 sq. ft. 2 story residential building built in 1875. Nearby uses are residential dwellings and commercial. There are no historic considerations for this property.

No one was present to represent this property.

Mr. McNutt stated that this property belongs to an elderly couple. Mr. McNutt has spoken with Mrs. Buchanan several times and this is very stressful for them and they have no insurance and funds to take care of the property. This was a rental property used for income. Mr. Buchanan is very ill. Mr. McNutt stated that he believes that once the structure is removed there will be interest in the lot.

Structural and exterior repairs for the building are estimated to cost approximately \$31,500. Estimated costs for demolition are approximately \$16,000. The 2018 SEV is \$7,400. According to Assessor records, the Estimated True Cash value of the land alone is approximately \$6,799 and that of the entire property \$16,718.

## **FINDING OF FACT**

### **Mr. Hyde moved the Finding of Fact as follows:**

1. The Finding of Fact for 518 Ada St shall include all information included in the notice of public hearing dated June 15, 2018 and the summary information.

### **Mr. Wark 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 Mr. Wark.**

Motion approved by roll vote unanimously.

### **1520 Fairbanks Ct**

This property is located in a Residential Single Dwelling District (Use Zone RS-5) in the Eastmain neighborhood. The 46'x132', 10'x102', .001'x30' (0.166 acre) property contains a 1,469 sq. ft. 2 story residential building built in 1910. Nearby uses are residential dwellings and commercial. There are no historic considerations for this property.

No one was present to represent this property.

Mr. McNutt stated that when this property burnt he received a call approximately 6 ½ months after fire and the caller asked what could be done, would the City take the property and Mr. McNutt let them know the City does not take properties in this shape. The caller also asked about demolition and Mr. McNutt explained the demolition process and gave him a list of contractors that are licensed with the City and Mr. McNutt has not heard anything back from the property owner.

Mr. McNutt did receive a call on 6/21/18 from a representative from Horseapples Inc. The representative asked about giving the property back to the City and what would happen next if that was not an option. Mr. McNutt explained the procedure and that was the end of the call. There is a fire escrow of \$12,262.

Structural and exterior repairs for the building are estimated to cost approximately: not recommended for repair. Estimated costs for demolition are approximately \$17,500. The 2018 SEV is \$22,600. According to Assessor records, the Estimated True Cash value of the land alone is approximately \$6,421 and that of the entire property \$51,106.

## **FINDING OF FACT**

### **Ms. Servis moved the Finding of Fact as follows:**

1. The Finding of Fact for 1520 Fairbanks Ct shall include all information included in the notice of public hearing dated June 15, 2018 and the summary information.

### **Mr. Wark seconded the Finding of Fact.**

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

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

Motion approved by roll vote unanimously.

## **ANNOUNCEMENTS**

Mr. Emig had received a complaint about 125 W Kalamazoo Ave. Apparently this property is being rented as an Air BNB and it is not certified as a rental property and no permit have been pulled. Mr. Emig stated the complaint also stated the structure is not level.

Mr. McNutt stated that a service request was entered on 6/27/18 regarding a suspected unregistered rental.

Mr. McNutt wanted to let the board know that the City Commission has granted Community Planning & Development with \$400,000 to use for demolitions. Mr. McNutt also stated the City has some federal funds for making repairs. Kalamazoo Neighborhood Housing Services also has received a federal grant for mainly roof repairs. The staff is going through their caseloads and is encouraging people to go there.

Mr. McNutt and a Building Inspector are looking at these properties to determine which ones should come down.

Mr. McNutt stated that the first group of demolitions would go out for bid after the 21 day appeal, with hopes of starting demolition the first of August 2018. The inspectors will be going through their old cases to see where they are at and we may be bringing some of them back to the board for various reasons.

Mr. McNutt thanked the board for their patience as we work through the new procedures for bringing a property to the board.

Mr. McNutt was encouraged that some of the owners are going to demolish the properties themselves because it costs more if the city demolishes them.

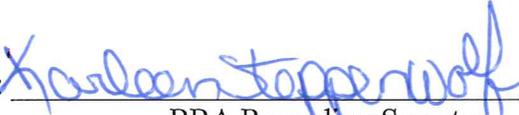
Mr. McNutt stated there are also five other properties to come down and he's waiting to hear from Consumers Energy on the disconnect for those.

Mr. McNutt considers a building for demolition if the structure is compromised, if the structure is good and all it needs is a roof then he can work with other agencies to get the done.

**ADJOURNMENT**

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

With a unanimous vote the meeting was adjourned at 3:10pm.

Submitted by:  Date 8/16/18  
BBA Recording Secretary  
Karleen Steppenwolf

Reviewed by:  Date 8/14/18  
Building Official  
Robert McNutt

Approved by:  Date 8/16/18  
BBA Chair  
Richard Emig