

**MINUTES**  
**BUILDING BOARD OF APPEALS**  
**August 16, 2018 @ 2:00pm**  
**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, Gary Wark, Linda Servis, David Hyde, Church Kiplinger, Emily Parfet

**Members Absent:** Lyndia Bruckbauer

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

**NEW BUSINESS**

**APPROVAL OF PREVIOUS MINUTES**

Ms. Servis, seconded by Mr. Hyde moved to approve the minutes of June 28, 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 property was presented to the board for a public hearing:

**821 Clarence St**

**This property is located in a Residential, Multi Dwelling District (Use Zone RM-15) in the Edison neighborhood. The 66'x132' (0.200 acre) property contains a 1,982 sq ft 2 story residential building built in 1900. Nearby uses are residential dwellings and commercial. There are no historic considerations for this property.**

**Mr. Brian Tolson, the owner, was present to represent this property.**

Mr. Tolson stated that he is a small business owner and the company is only now showing a profit. Mr. Tolson lived in the house when he was younger and states that it is a family house. Mr. Tolson admits he's been neglectful at 821 Clarence, but would like to have time to address the problems.

Mr. Emig asked Mr. McNutt how long the property has been out of compliance, which Mr. McNutt stated it's been since 2015 – 3 years.

Mr. McNutt also stated that along with the roof and foundation issues it was also affected by the flood. An electrical permit was pulled to reinstate electric, but when the electrical inspector went in the basement he noticed the foundation was to compromised to allow Consumers to energize the power to the property. There currently is no power to the property. There has also been an issue with trash and debris at this property. The property has been sitting for quite a while and has not gotten any better, in fact it's gotten worse over the last year.

Mr. Emig stated that the city finds that this property is not salvageable. Mr. McNutt stated that it was the opinion of the inspector and himself that this building is a dangerous building. Mr. McNutt stated that with the extreme damage to the roof and foundation that it would not be cost effective to repair the structure. Mr. McNutt stated that this was the first time he has seen or spoken to Mr. Tolson. When the notice was sent out in July Mr. McNutt did not receive any written notice from the property owner.

Ms. Servis enquired about Mr. Tolson's other properties. Mr. Tolson stated that 1017 E Crosstown Parkway is currently rented and 114 E Emerson is in the process of getting registered for rental.

Mr. Emig asked Mr. Tolson if he had a written plan with him today. Mr. Tolson stated he did not. Mr. Emig also asked Mr. Tolson did it not occur to you to have contact with the City prior to this meeting. Mr. Tolson stated he is not around the property a lot and he just noticed the posting on the house. Mr. Emig stated a timeline is necessary for the rehab of this property.

Mr. Hyde stated that he feels Mr. Tolson is running out of time this year to complete the work before the snow flies. Mr. Tolson is willing to try and save this home. Mr. Tolson stated that he is going to use the property for storage for his company and not rent it out.

Mr. Emig asked Mr. Tolson how much he thought it would cost to bring the house into compliance and Mr. Tolson responded with \$50,000. Mr. Tolson stated he was going to try and apply for a loan after the first of the year. Mr. Tolson stated he has enough money to get started, but not to complete it, but he's willing to get started as soon as possible.

Ms. Parfet stated she would be willing to give Mr. Tolson time to fix the house rather than have it demolished.

The board had a short discussion and asked Mr. McNutt if the foundation is repairable. Mr. McNutt stated the foundation is repairable, but will not be an easy fix and currently the property is dangerous as it sits. Mr. McNutt is concerned about the families in this neighborhood with children and their safety. Mr. Tolson stated that all the windows on the first floor and basement are currently boarded up. Mr. Tolson stated that he is in the process of pulling permits.

Ms. Parfet asked how long it would be before the City can demolish the property. Mr. McNutt stated at least 2 months. Mr. McNutt stated that if the board is considering giving Mr. Tolson an extension for repairs that a fence be put around the entire property as soon as possible.

**Structural and exterior repairs for the building are estimated to cost approximately \$76,000. Estimated costs for demolition are approximately \$15,000. The 2018 SEV is \$23,500. According to Assessor records, the Estimated True Cash value of the land alone is approximately \$13,640 and that of the entire property \$57,351.**

**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 821 Clarence St shall include all information included in the notice of public hearing dated August 8, 2018 and the summary information.

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

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

**Mr. Hyde moved to approve the application on the condition that a fence is needed around the property within 7 days. A demolition permit for the porch needs to be pulled within 7 days and demolished as soon as possible. Permits for the roof & foundation must be pulled within 7 days and completed within 6 months and a proposal of the work needs to be submitted within 14 days. The entire project needs to be completed in one year from the date of the hearing (August 16, 2018). If the deadlines are not met, the property will revert back to the city and will be demolished. Mr. Tolson is to keep in contact with the City regarding progress of project, seconded by Ms. Servis.**

Motion approved by roll vote unanimously.

### **609 Elizabeth St**

**This property is located in a Residential Single Dwelling District (Use Zone RS-5) in the Northside neighborhood. The 33'x132' (0.100 acre) property contains a 1,209 sq. ft. 2 story Residential building built in 1910. Nearby uses are residential dwellings and commercial. There are no historic considerations for this property.**

Mr. Joseph Lee was present to represent this property.

Mr. McNutt stated that within the last couple of days he has spoken with a gentleman associated with MAK, the deed holder of the property Mike Korner. It's Mr. McNutt's understanding that Joseph Lee and MAK have been in the process of selling the property to Mr. Lee under a land contract. Mr. McNutt received an email from Mr. Korner stating they are working to transfer ownership to Mr. Lee and that MAK had the equipment to do this demolition. Mr. Lee presented

Mr. McNutt with a Quit Claim deed dated 8/16/18 that transferred ownership to Mr. Lee along with another document that states MAK has no interest in 609 Elizabeth St any longer.

Mr. McNutt stated that he thought it was reasonable to get something in writing from Mr. Lee regarding the plans to demolish the house. Mr. McNutt wanted to let Mr. Lee know to get a hold of Consumer Energy today because they are behind on disconnects and also notify the water department. Mr. McNutt suggested to the board they give Mr. Lee until the middle of October to demolish the house.

Structural and exterior repairs for the building are estimated to cost approximately not recommended for repair. Estimated costs for demolition are approximately \$14,200. The 2018 SEV is \$15,700. According to Assessor records, the Estimated True Cash value of the land alone is approximately \$6,540 and that of the entire property \$37,673.

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 609 Elizabeth St shall include all information included in the notice of public hearing dated August 8, 2018 and the summary information.

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

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

**Mr. Hyde moved to allow the demolition to be done by the middle of October 2018 and to pull a demolition permit by September 1, 2018, seconded by Ms. Servis.**

Motion approved by roll vote unanimously.

### **630 Elizabeth St**

This property is located in a Residential Single Dwelling District (Use Zone RS-5) in the Northside neighborhood. The 66'x132' (0.200 acre) property contains a 1,368 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. Roger Iveson read the information summary in Mr. McNutt's absence, due to a meeting Mr. McNutt had to attend.

Structural and exterior repairs for the building are estimated to cost approximately \$52,000. Estimated costs for demolition are approximately \$13,800. The 2018 SEV is \$16,600. According to Assessor records, the Estimated True Cash value of the land alone is approximately \$9,249 and that of the entire property \$40,743.

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

## **FINDING OF FACT**

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

1. The Finding of Fact for 630 Elizabeth St shall include all information included in the notice of public hearing dated August 8, 2018 and the summary information.

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

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

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

Motion approved by roll vote unanimously.

## **ANNOUNCEMENTS**

## **ADJOURNMENT**

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

With a unanimous vote the meeting was adjourned at 2:53p.m.

Submitted by: Karleen Steppenwolf Date 10/22/18  
BBA Recording Secretary  
Karleen Steppenwolf

Reviewed by: R. McNutt Date 2/9/18  
Building Official  
Robert McNutt

Approved by: Richard Emig Date 10/18/18  
BBA Chair  
Richard Emig