MINUTES
BUILDING BOARD OF APPEALS
March 19, 2020 @ 4:00pm
City Commission Chambers

CALL TO ORDER

Chair Emig called the meeting to order at 4:05 p.m.

ROLL CALL OF BOARD MEMBERS

Members Present: Richard Emig, Chair, Chuck Kiplinger, Andy Van Lente, Ben Bierlein, Lyndia Bruckbauer

Members Absent:

City Staff: Roger Iveson, Building Official; Karleen Steppenwolf, Recording Secretary; Marcia Jones, City Attorney

NEW BUSINESS

APPROVAL OF PREVIOUS MINUTES

Mr. Kiplinger, seconded by Ms. Bruckbauer moved to approve the minutes of January 16, 2020 as submitted, approved by voice call vote.

APPROVAL OF AGENDA

Mr. Kiplinger seconded by Ms. Bruckbauer moved to approve the agenda as submitted.

Motion approved by roll call unanimously.

RE-HEARINGS

INITIAL HEARINGS

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

522 Terrace Ct
This Property is located in a Residential, Single Dwelling District (Use Zone RS-5) in the Edison neighborhood. The 47'x100' by 3'x50' (0.138 acre) property contains a 1,310 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. Iveson read the Information Summary into record.

Structural and exterior repairs for the building are estimated to cost approximately $25,000. Estimated costs for demolition are approximately $12,000. The 2020 SEV is $24,300. According to Assessors records, the Estimated True Cash value of the land alone is approximately $7,377 and that of the entire property $48,551.

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

FINDING OF FACT

Mr. Kiplinger moved the Finding of Fact as follows:

1.The Finding of Fact for 522 Terrace Ct shall include all information included in the Notice of Determination dated February 25, 2020 and the summary information.

Ms. Bruckbauer 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 Ms. Bruckbauer.

Motion approved by roll vote unanimously.

2226 S Burdick St
This property is located in a Residential Multi Dwelling District (Use Zone RM-15) in the Southside neighborhood. The 38'x 99.95' (0.087 acre) property contains a 1,186 sq. ft. 2 story residential building built in 1905. Nearby uses are residential dwellings and commercial. There are no historic considerations for this property.

Ms. Jen Ray, owner of MJ Rentals, was present to represent this property.

Mr. Iveson read the Information Summary into record.

Ms. Ray stated that the property is under an arson investigation. Mr. Ray is working with Scott Brooks, Fire Marshall. Ms. Ray stated the fire was started on 10/26/2019 and the Police still don't know who did it. Ms. Ray stated that it's taken a while for this to unfold because she has

not been allowed to touch the property due to the arson investigation. Ms. Ray stated she received a letter from Mr. Iveson dated 12/16/2019 asking for written notice of resolution. On 12/5/2019 State Farm sent letter to City of Kalamazoo regarding fire escrow. Ms. Ray did say that she missed the ball on getting a hold of Mr. Iveson and the communication between the insurance company, the City and Ms. Ray was confusing. Ms. Ray stated she was told to put the brakes on because of the investigation and she was investigated also.

Ms. Ray stated she has 3 plans for the house. One is to fix it and she is currently getting bids from contractors. She has reached out to a couple of companies. Ms. Ray stated Rachael Luscomb, Code Compliance Inspector, did ask to be kept up to date thru emails of the progress. Ms. Ray stated that she is in constant contact with her insurance company. Second option is to demolish the building. Ms. Ray is wondering if it's worth salvaging? Ms. Ray stated it would be a shame to see an old building like that be lost. Mr. Emig asked her the insured value of the house and Ms. Ray stated $191.000. Ms. Ray is waiting to see if the structure is salvageable and able to be worked on and if it even makes sense to restore the property.

Ms. Ray stated that currently the house is condemned but Servepro can be allowed in to clean the basement.

The third option is deciding what she can do once all the figures are in, perhaps sell it. Ms. Ray does want to repair and keep the house. Ms. Ray hopes to have some estimates from the contractors by April 5th. Ms. Ray is aware that the damage could go above the insured amount and she has co-insurance to cover 20% of any additional.

Mr. Iveson asked Ms. Ray if she was entertaining the thought of selling it? Ms. Ray stated she had thought about it.

Mr. Emig discussed with Ms. Ray and the board different ways to put the wording into to a motion. Mr. Emig is concerned that if Ms. Ray sells the property it could be in front of the board again with the same issues. Mr. Emig and Ms. Jones discussed how the fire escrow would be handled if Ms. Ray did sell the property.

Mr. Iveson stated the city has escrow funds for this property of $12,700. Mr. Iveson did reintegrate to the board that they are only to make a decision whether they agreed with the City that the property is dangerous. Mr. Iveson stated that everything is secure on the ground level.

Ms. Ray stated she will keep in touch with Rachael Luscomb and Roger Iveson through email and phone calls. Ms. Ray asked about the escrow funds if she did sell the property. Mr. Emig suggested talking to State Farm about that. Mr. Iveson stated the City would set on the escrow until the violation was abated or the City would use the money to demolish it.

Mr. Iveson stated he has not been in the building, but it looks like a lot of the damage is in the attic.

Structural and exterior repairs for the building are estimated to cost approximately: $100,000. Estimated costs for demolition are approximately $15,000. The 2020 SEV is $26,300. According to Assessor records, the Estimated True Cash value of the land alone is approximately $15,416 and that of the entire property $52,515.

There were no comments from the public.

Chair Emig closed the public hearing.

FINDING OF FACT

Mr. Bierlein moved the Finding of Fact as follows:

1.The Finding of Fact for 2226 S Burdick St shall include all information included in the Notice of Determination dated March 2, 2020 and the summary information.

Mr. Kiplinger seconded the Finding of Fact.

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

Mr. Van Lente moved to approve the application, to accept the Staff Recommendations as stated, seconded by Mr. Bielein.

Motion approved by roll vote unanimously.

<u>1409 S Burdick St</u>
This property is located in a Commercial (local), Neighborhood District (Use Zone CN-1) in the Edison neighborhood. The 51' x 191' (0.224 acre) property contains an 860 sq. ft. office building & 1,134 sq. ft. 1 story residential building built in 1926. Nearby uses are residential dwellings and commercial. There are no historic considerations for this property.

No one was present to represent this property.

Mr. Iveson read the information summary into record. Mr. Iveson stated that this case is for the accessory structure that caught fire on the property. Vagrants and drug activity are apparent, and the cops have been called several times to this property. Mr. Iveson stated there is also a wood burning stove that is very dangerous in the accessory building. Mr. Iveson provided pictures to the board members of the accessory structure.

Ms. Jones asked Mr. Iveson if they have been in contact with the owner in the last 4 weeks? The owner was scheduled for court on the 20th but that has been cancelled due to the Covid-19 outbreak. Ms. Jones' concern is that all City buildings are closed to the public and perhaps the owner knew that the building was closed and didn't attend. Mr. Emig stated that we were able to get in the building. Mr. Iveson stated that it was posted that this meeting was not cancelled on the front of City Hall. Ms. Jones stated that you would have to come here to know that. Mr. Iveson stated the City sent him notice that the meeting was going to take place. Ms. Jones is concerned that the owner could come back and say he didn't know the meeting was still taking

place. Mr. Iveson stated that the owner has 21 days to appeal the decision. The neighbors are tired of looking at the mess and the owner is not making any progress in cleaning it up. The City has cleaned the property up once before which generated a $4,000 bill.

Mr. Emig suggested sending the decision letter my certified mail to make sure the owner receives it.

Structural and exterior repairs for the building are estimated to cost approximately: not recommended for repairs. Estimated costs for demolition are approximately $8,000. The 2020 SEV is $53,200. According to Assessor records, the Estimated True Cash value of the land alone is approximately $40,401 and that of the entire property $106,387

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

FINDING OF FACT

Mr. Van Lente moved the Finding of Fact as follows:

1.The Finding of Fact for 1409 S Burdick St shall include all information included in the Notice of Determination dated January 14, 2020 and the summary information.

Mr. Kiplinger 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. Van Lente.

Motion approved by roll vote unanimously.

ANNOUNCEMENTS

Mr. Iveson let the board know the 2115 Aberdeen have their permits and they are going to replace the window.

Mr. Kiplinger stated that Linda Servis is willing to come back to the board. Ms. Jones stated the she will need to reapply through the City Clerk's office. Mr. Iveson stated that Jim Lippincott is interested in coming back to the board also.

ADJOURNMENT

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

With a unanimous vote the meeting was adjourned at 4:55pm.

Submitted by: Karleen Steppenwolf Date 8/20/2020
BBA Recording Secretary
Karleen Steppenwolf

Reviewed by: Roger Iveson Date 8-25-20
Building Official
Roger Iveson

Approved by: _____ Date 8/20/20
BBA Chair
Richard Emig