



Agenda

**City of Kalamazoo – Building Board of Appeals
241 W. South Street
Kalamazoo**

April 21, 2016

City Commission Chambers, City Hall

2:00 p.m.

- A. Call to Order:
- B. Roll Call:
- C. Communications and Announcements:
- D. Approval of the Minutes: March 17th 2016
- E. Initial Hearings:
 - 1. 1517 Portage St.
- F. Other Business:
- G. Adjournment:

**MINUTES
BUILDING BOARD OF APPEALS
March 17, 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, Gary Wark, Linda Servis, Emily Parfet,

Members Absent: Charles Kiplinger, Vice Chair, David Hyde

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

NEW BUSINESS

APPROVAL OF PREVIOUS MINUTES

Ms. Servis, seconded by Ms. Parfet moved to approve the minutes of February 18, 2016 as submitted, approved by voice call vote.

APPROVAL OF AGENDA

INITIAL HEARINGS

1950 Portage St. – This property is located in a CN-1 District (Commercial) in the Edison neighborhood. The 0.21 acre property contains a 5211 sq. ft. 1 story commercial building built in 1920. Nearby uses are residential dwellings. There are no historic considerations for this property. Rafael Vargas is shown as Owner and has a Fee Simple and title as of 2006. There are delinquent taxes and unpaid tax liens. The 2015 SEV is \$22,300. According to Assessor records, the Estimated True Cash value of the land alone is approximately \$37,205 and that of the entire property \$44,853.

Aaron Bir, Associate Counsel at Sielatycki Law Firm, 516 Whites Rd, Kalamazoo MI, representing Mr. Vargas stated there were issues with the third party adjuster and Mr. Vargas' insurance company, Auto Owners. He requested an extension of 30-60 days to complete the permit and construction process.

Mr. McNutt stated he is highly skeptical of this extension request; nothing has been done in the past two years. No drawings or plans have been presented to the building department. He mentioned the City has received complaint phone calls from city residents, including the Edison Neighborhood Association. The property is close by to an elementary school, it is open to casual entry, and has advised Mr. Vargas about this. Mr. McNutt stated that he would not feel

comfortable giving more time; stating he needs a guarantee that something will be done. Mr. McNutt also stated if the City granted an extension, that it shouldn't go too much longer.

Mr. Wark asked about the insurance proceeds, he asked for clarification on the hold up through Auto Owners Insurance and the third party adjuster. Mr. Bir replied that he talked to supervisors and there is no basis for withholding payment. He specified that he did not want to discuss any specifications for on-going negotiations.

Ms. Parfet asked if Mr. Vargas had received any payments. Mr. Bir replied he received a partial payment of approximately \$70,000.00 that was used for clean-up of debris.

Staff recommends adoption of the following motion:

The building Board of Appeals finds that the structure and grounds at 1950 Portage Rd. constitutes a "Dangerous Building" and a blight due to the conditions and violations detailed in the 03/02/2016 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 April 24, 2016 and complete all exterior and structural repairs or demolition by June 25, 2016**, based on conditions ordered by City Commission. Conditions include: property must be boarded up and secured, and all delinquent taxes must be paid up to date.

Chair Emig closed the public hearing.

FINDING OF FACT

Mr. Wark moved the Finding of Fact as follows:

1. The Finding of Fact for 1950 Portage Rd. shall include all information included in the notice of public hearing dated March 2, 2016 and the summary information. This property became condemned due to a fire in 2012 that caused interior/exterior structural damage that made the building unsafe. Mr. Bir, legal counsel representing Mr. Vargas presented case, advised the commission the problem for the delay is the 3rd party adjusters obtaining additional proceeds for the properties re-construction. Mr. Wark stated the Mr. Vargas presently has Construction Company lined up and is ready for construction. All back taxes must be paid before granting 45-60 day extension.

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 Ms. Servis.

Motion approved by roll vote unanimously.

1031 W Paterson – This property is located in a CC District (Commercial Community) in the Northside neighborhood. The 0.40 acre property contains a 7,182 sq. ft. 1 story commercial building built in 1931. Nearby uses are residential dwellings and commercial. There are no historic considerations for this property. AREA MANUFACTURING CO. A MICHIGAN CORPORATION is shown as owner has a Fee Simple and title as of 1996.

Mr. McNutt stated the roof and second building were added to the violations, the structure has a big hole and is open to casual entry. There are people staying in the building. Mr. McNutt stated that the Northside Association is trying to keep the neighborhood enlightened and cleaned.

Staff recommends adoption of the following motion.

The Building Board of Appeals finds that the structure and grounds at 1031 W Paterson Street constitutes a “Dangerous Building” and a blight due to the conditions and violations detailed in the 03/2/16 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 March 24, 2016 and complete all exterior and structural repairs or demolition by April 25, 2016.**

If further action is not completed by the deadline, the City is authorized by the Building Board of Appeals to take any non- legal action necessary to cause full compliance and eliminate said danger and blight, this includes preforming of the demolition and repair by city personnel or by contracting with a third party.

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 1031 W. Paterson shall include all information included in the notice of public hearing dated March 2, 2016 and the summary information. This property became condemned February 4, 2016; the building was deemed unsafe and in disrepair since 2012. The roof is unsafe and has a hole. There are back taxes due on this property. It is ordered to obtain new permits by March 24, 2016 and or complete all exterior and structural repairs or demolition by April 25, 2016.

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 Ms. Servis.

Motion approved by roll vote unanimously.

429 Reed Street – This property is located in a RM-15 District (Residential, Multi-Dwelling) in the Edison neighborhood. The (0.15 acre) property contains a 1225 sq. ft. 2 story residential building and garage built in 1902. Nearby uses are residential dwellings. There are no historic considerations for this property. Rudolph & Carol Gant are shown as Owners. A 2001 Quit Claim Deed (Less than \$100.00) is on record with the State of Michigan, County of Kalamazoo. No mortgage on file.

Mr. McNutt stated property has been condemned and constitutes a nuisance. Building Official made full determination that the building is deemed unsafe; violation includes load anchoring deterioration, failing foundation defects and roof is caving in.

Staff recommends adoption of the following motion.

The Building Board of Appeals finds that the structure and grounds at 429 Reed Street constitutes a “Dangerous Building” and a blight due to the conditions and violations detailed in the 03/2/16 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 March 24, 2016 and complete all exterior and structural repairs or demolition by April 25, 2016.**

If further action is not completed by the deadline, the City is authorized by the Building Board of Appeals to take any non- legal action necessary to cause full compliance and eliminate said danger and blight, this includes performing of the demolition and repair by city personnel or by contracting with a third party.

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 429 Reed Street shall include all information included in the notice of public hearing dated March 2, 2016 and the summary information. Considerable back taxes due on this property. There has been a minimum of three communication letters sent to the owner regarding the condition of the house in attempt to resolve this matter.

Ms. Parfet 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 Ms. Parfet.

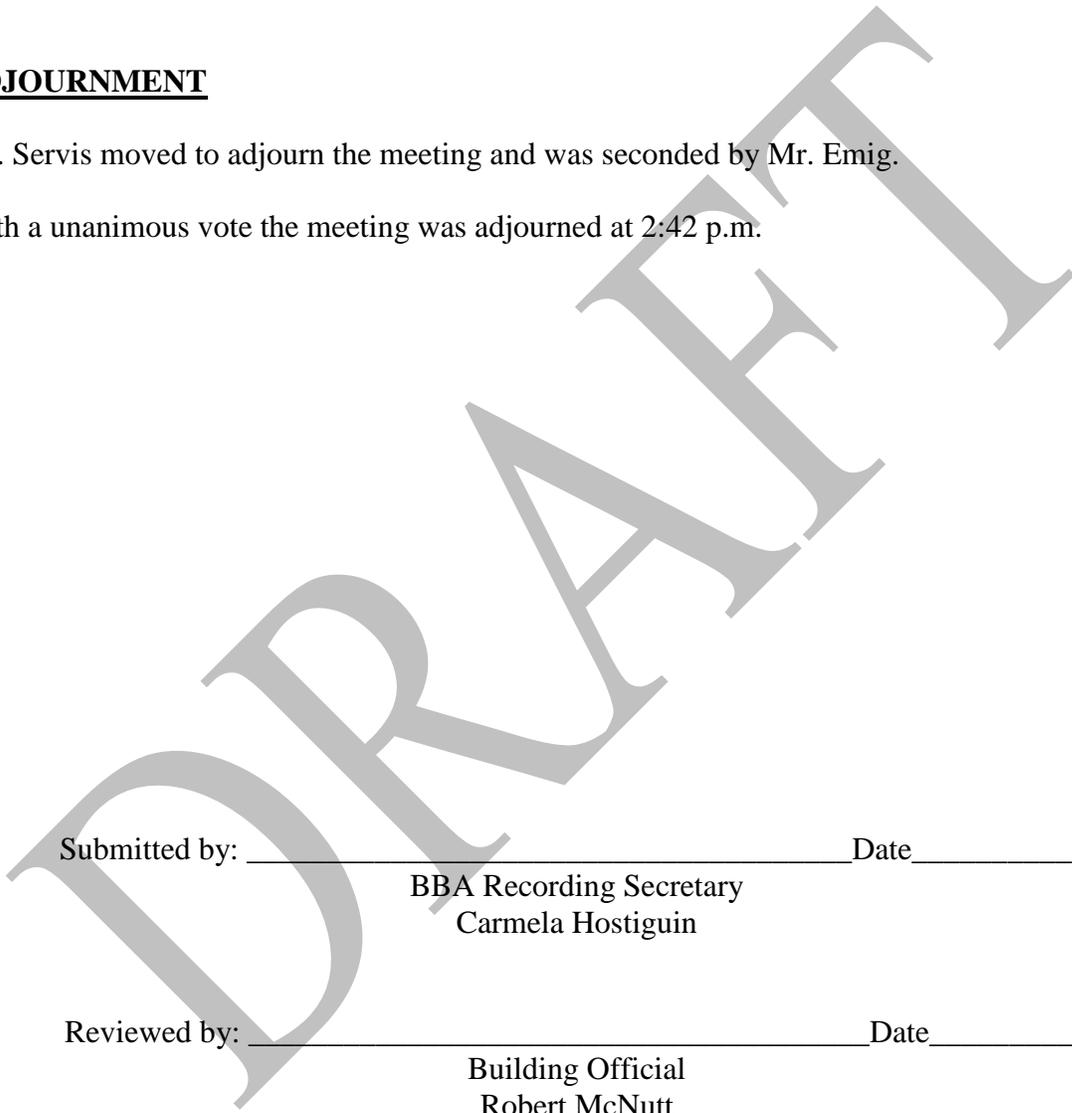
Motion approved by roll vote unanimously.

ANNOUNCEMENTS

ADJOURNMENT

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

With a unanimous vote the meeting was adjourned at 2:42 p.m.



Submitted by: _____ Date _____

BBA Recording Secretary
Carmela Hostiguin

Reviewed by: _____ Date _____

Building Official
Robert McNutt

Approved by: _____ Date _____

BBA Chair
Richard Emig



KALAMAZOO DEVELOPMENT CENTER

415 Stockbridge Avenue

Kalamazoo, MI 49001

Ph. 269.337.8026

www.kalamazoocity.org

**DANGEROUS BUILDING
NOTICE OF DETERMINATION & HEARING**

03/30/2016

**BLANCHARD, JOSEPH A & GLORIA A
1517 Portage St.
Kalamazoo, MI 49001**

The building at **1517 PORTAGE ST, CCN# 06-22-489-436**, has been determined by the City Building Official to be a **DANGEROUS BUILDING** which is defined by 9-326(c) as being: any building or structure which, because of one or more violations of Chapter 9 Building Regulations and /or Chapter 17 Housing code of the City of Kalamazoo code of Ordinances, is unsafe for occupancy or to the general public; or is a visual blight adversely affecting the general welfare of the area. Conditions in violation include but are not limited to the following.

VIOLATIONS: Condemned by county, for Meth. The exterior of the dwelling and garage area has deteriorated and is not safe. Tarp on roof, missing shingles; gutters are falling off of house. Tarps on roof have now ripped away leaving all the roof decking exposed. House is not to be occupied until approved by the city.

Any and all conditions not yet resolved that were cited as violations in Correction Notice(s) dated on or about:
DATES: 01/30/2015, 05/14/2015, 09/10/2015, and 12/30/2015

**A HEARING IS SCHEDULED TO BE HELD BEFORE THE
BUILDING BOARD OF APPEALS
THURSDAY, APRIL 21, 2016 AT 2:00 PM IN THE
COMMISSION CHAMBERS, KALAMAZOO CITY HALL
241 W. SOUTH ST, KALAMAZOO, MICHIGAN**

This hearing gives you the opportunity to dispute the City's determination. You have the right to be represented by legal counsel and may submit evidence and make arguments concerning the factual and legal issues of the case. You may request that the Board act to: 1) determine that the building is not a dangerous building, 2) determine that this letter is in error, illegal or unauthorized, 3) extend the deadline to perform the required repairs, or 4) modify the required repairs.

You will be billed a fee of **\$275** for the title search and review that has been completed on this property, and for one or more of the following fees: **\$165** for the referral to the DBB, **\$165** for the initial hearing, or **\$110** if this is a re-hearing. The owner has the right to appeal the Board's decision within twenty-one days to the Circuit Court.

If you have further questions, please contact us at the address or phone number above.

Sincerely,

Robert McNutt
Building Official

cc: CP&D Property File
BBA Board Members

**BLANCHARD, JOSEPH A & GLORIA A
14128 RS AVE E
SCOTTS, MI 49088**

BBA PROPERTY INFORMATION SUMMARY

For April 21, 2016 meeting

1517 Portage St. – This property is located in a CO District (Commercial/Residential) in the Southside neighborhood. The 43' X 92' property contains a 1080 sq. ft. 1 story commercial building built in 1915. Nearby uses are residential dwellings and commercial. There are no historic considerations for this property.

JOSEPH A. & GLORIA A. BLANCHARD are shown as Owners. Owners have Fee Simple and title on record as of 2007.

Delinquent taxes showing as owed have been found and are payable to the County Treasures (Contact them for the exact amount): As of 03/01/2016, tax is shown as:

2015 Summer Tax Amount: \$581.38 (includes \$74.00 Housing Lien) BASE

2015 Winter Tax Amount: \$533.17 BASE

2015 TAXES: \$1,231.33 MARCH PAYOFF

2014 TAXES: \$1,507.87 MARCH PAYOFF

2013 TAXES: \$1,982.65 MARCH PAYOFF

INVOICES: \$1905.50 Check with the City Treasurer to see if additional interest and penalties

Any and all conditions not yet resolved that were cited as violations in Correction Notice(s) dated on or about: 01/30/2015, 05/14/2015, 09/10/2015, and 12/30/2015

VIOLATIONS: Condemned by county, for Meth. The exterior of the dwelling and garage area has deteriorated and is not safe. Tarp on roof, missing shingles; gutters are falling off of house. Tarps on roof have now ripped away leaving all the roof decking exposed. House is not to be occupied until approved by the city.

Structural and exterior repairs for the building are estimated to cost approximately \$72,000.00. Estimated costs for demolition are approximately \$15,200.00. The 2015 SEV is \$15,100. According to Assessor records, the Estimated True Cash value of the land alone is approximately \$7,217 and that of the entire property \$30,752.

Finding of Fact by: _____ Support: _____ Vote: _____

Staff recommends adoption of the following motion.

The Building Board of Appeals finds that the structure and grounds at 1517 Portage Street constitutes a "Dangerous Building" and a blight due to the conditions and violations detailed in the 03/30/2016 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 April 29, 2016 and complete all exterior and structural repairs or demolition by May 23, 2016.

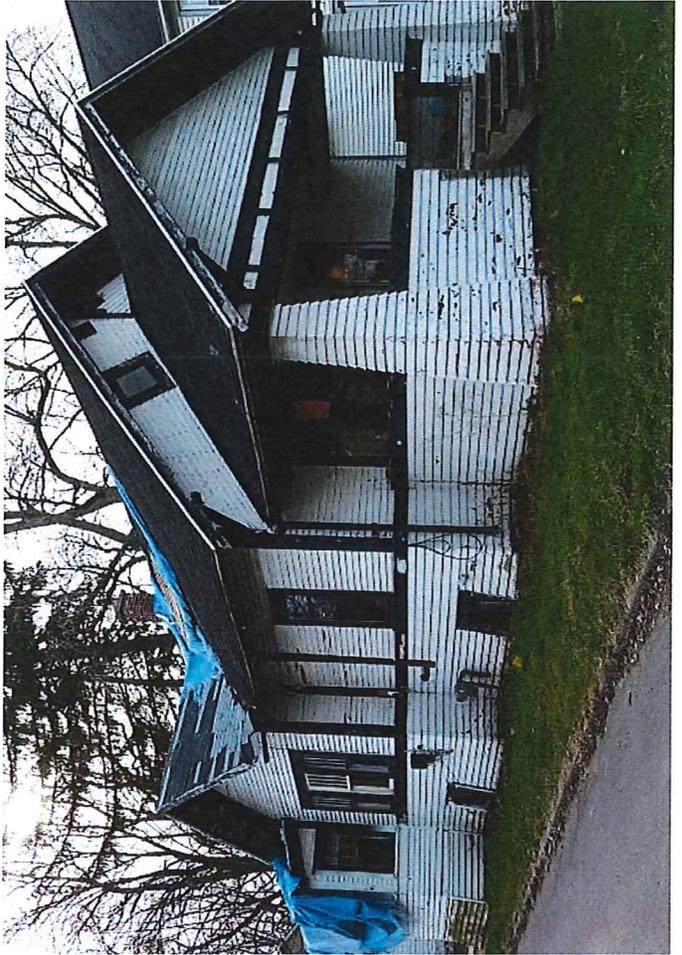
Further, if the required action is not completed by either deadline, the City is authorized by the Building Board of Appeals to take any and all legal actions necessary to cause full compliance and eliminate said danger and blight. This includes performing the demolition or repair, either by City personnel 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.

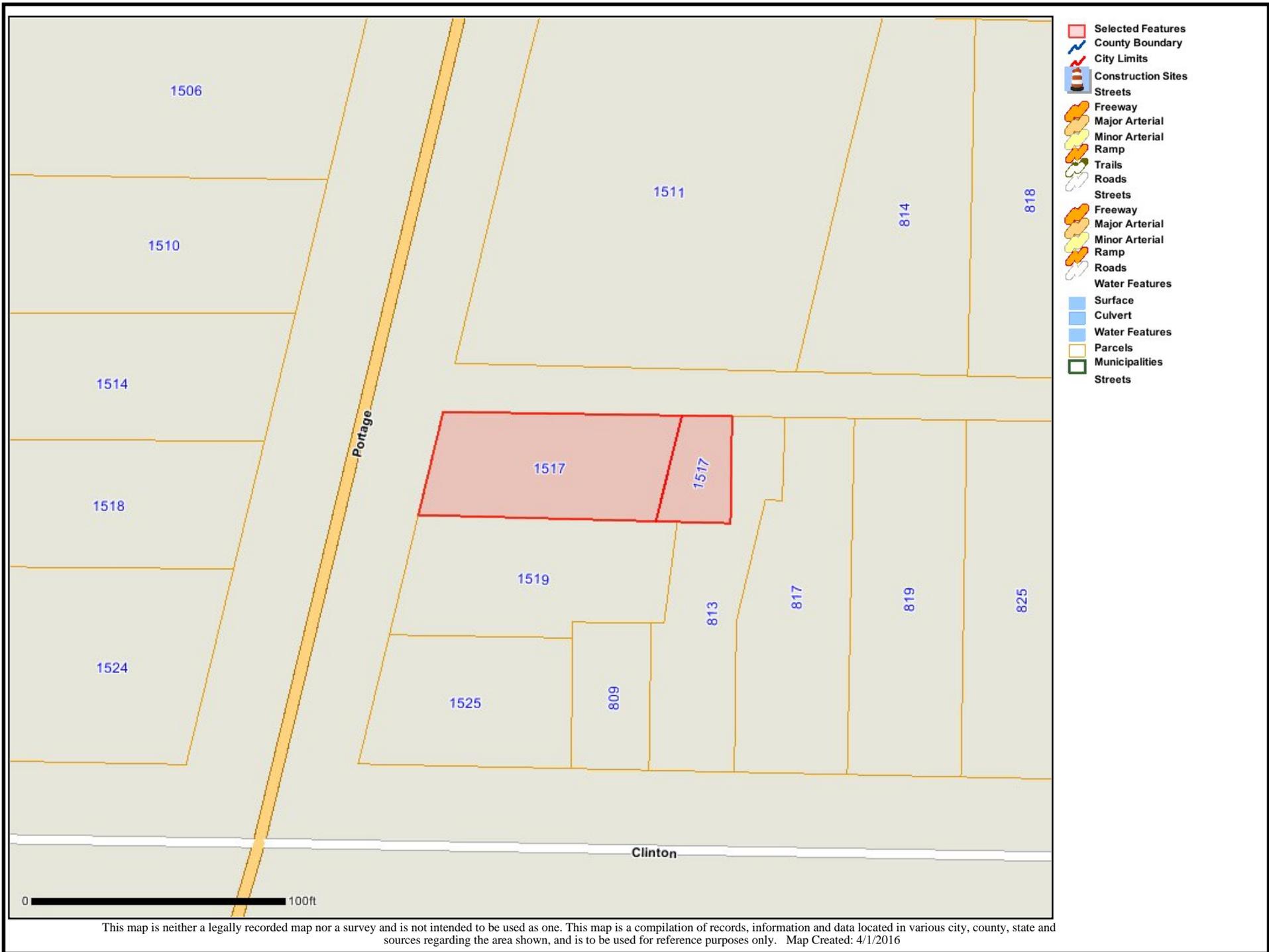
The estimated costs are as follows: Structural and exterior repairs – \$72,000.00; Demolition – \$15,200.00. A charge of \$1,000 for administrative costs shall also be assessed against the property if direct City abatement becomes necessary.

Motion by:

Second by:

Vote:





This map is neither a legally recorded map nor a survey and is not intended to be used as one. This map is a compilation of records, information and data located in various city, county, state and sources regarding the area shown, and is to be used for reference purposes only. Map Created: 4/1/2016

Received in Kalamazoo, MI Apr 13, 2015 10:27 AM



2015-011112 CERTF
 04/13/2015 11:09:59 AM Page 1 of 1
 Timothy A. Snow County Clerk/Register
 Kalamazoo County, MI

Michigan Department of Treasury, LPS
 3826 (Rev. 10-06)

This form is issued under the authority
 of MCL 211.78g

CERTIFICATE OF FORFEITURE OF REAL PROPERTY

On March 1, 2015 the following real property was forfeited to the **KALAMAZOO**
 County Treasurer for **NON PAYMENT OF PROPERTY TAXES** for the
 year(s) **2013**

This property will be titled absolutely in the name of the foreclosing governmental unit if not
 redeemed by **March 31, 2016** after entry of a judgment of foreclosure pursuant to **MCL 211.78k**.
 After this date parties of interest in this property will have **NO FURTHER RIGHT TO REDEEM**

Property ID No. 06-22-489-436	
Owner According to Tax Record BLANCHARD, JOSEPH A & GLORIA A	
Property Address 1517 PORTAGE ST KALAMAZOO MI	Amount for Which Property Forfeited \$ 1,386.22
Property Description 22440 REVISED PLAT OF HAYS PARK LOT 436 EXC ELY 40 FT	
Prepared by KALAMAZOO COUNTY TREASURER MARY BALKEMA 201 W KALAMAZOO AVE KALAMAZOO MI 49007	Signature of County Treasurer <i>Mary Balkema</i>
	Mary Balkema KALAMAZOO COUNTY TREASURER

For use by Register of Deeds

RECEIVED
2012 JAN 17 AM 9:39
COUNTY OF KALAMAZOO

2012-001686 01/17/2012 12:26:28 PM
Pages: 1 of 1 LIEN
STILLMAN LAW OFFICE
Timothy A. Snow County Clerk/Register Kalamazoo County, MI

FILED
NOV 21 2011
8TH DISTRICT COURT

RECEIVED NOV 29 2011
Original Register of Deeds
1st copy - Court
2nd copy - Judgment creditor

Approved, SCAO

STATE OF MICHIGAN 8th JUDICIAL DISTRICT JUDICIAL CIRCUIT	NOTICE OF JUDGMENT LIEN	CASE NO. 07-11919 GC
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Court address: 8 Dist. (Bal. of Kzo Cty) 150 Crosstown Parkway Kalamazoo, MI 49001
 Court telephone no.: 269-384-8171

Plaintiff name
MIDLAND FUNDING LLC

Defendant name
GLORIA A BLANCHARD

Judgment creditor's name and address
Midland Funding LLC Assignee of, Chase Manhattan Bank
c/o Plaintiff's Attorney, Michael R. Stillman (P42765)
7091 Orchard Lake Rd, Suite 270
West Bloomfield, MI 48322-3651

Judgment debtor's name and address
GLORIA A Blanchard
1517 Portage St
Kalamazoo, Michigan 49001

Last 4 digits of social security no. or full tax identification no.
0667

Judgment creditor's attorney, bar no., address, and telephone no.
STILLMAN LAW OFFICE
MICHAEL R. STILLMAN (P42765)
7091 ORCHARD LAKE ROAD, SUITE 270
WEST BLOOMFIELD, MI 48322-3651
248-851-6000 10-06985-0

Judgment debtor's attorney, bar no., address, and telephone no.

1. I am recording a judgment lien with the register of deeds in Kalamazoo County County against the judgment debtor's current or future interest in real property.
2. The current balance due on the judgment is \$ 3,558.02
3. The judgment was entered on January 18, 2008 and expires 0/00/00 1/18/2018
4. Except as otherwise prescribed by statute, this judgment lien expires 5 years after the date it is recorded with the register of deeds or when the underlying judgment expires, whichever is earlier. Nicholas Schwartz P70953

November 4, 2011
Date

Nicholas Schwartz
Signature of judgment creditor/judgment creditor's attorney

This document must be sealed by the seal of the court.

CERTIFICATION

I certify that the above notice of judgment lien has been filed and includes the information required by MCL 600.2805(1).

Clerk of the Court: TINA KEIFER

11/22/11
Date

Signed by: [Signature]
Clerk/Deputy clerk

When recorded, return to Michael R. Stillman, Esq., 7091 Orchard Lake Road, Suite 270, West Bloomfield, MI 48322