

Agenda

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

February 19, 2015

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:
- E. Initial Hearings:
 - 1003 Princeton
 - 1825 Union
- F. Re-hearings:
- G. Other Business:
- H. Adjournment:

MINUTES
BUILDING BOARD OF APPEALS
January 15, 2015 2:00 p.m.
City Commission Chambers

CALL TO ORDER

Mr. McNutt called the meeting to order at 2:45 p.m.

ROLL CALL OF BOARD MEMBERS

Members Present: Richard Emig, Charles Kiplinger, David Hyde, Gary Wark

Members Absent: Linda Servis

City Staff: Robert McNutt, Building Official; Deanna Benthin, Recording Secretary

APPROVAL OF PREVIOUS MINUTES

This is the first meeting of new board, no previous minutes.

INITIAL HEARINGS

There were no hearings.

NEW BUSINESS

Election of Officers:

A motion was made to nominate Richard Emig for Chair and Charles Kiplinger for Vice-Chair, motion approved by roll call vote.

Mr. McNutt provided the Board with a packet containing a copy of the Roberts Rules of Order for reference. He asked the Board members to review the Rules and Procedures for the BBA. Next month the Board would review the rules and have a discussion on the procedures, make possible changes or any additions to the rules and vote on the rules at the next meeting. Included in the Boards packet was the Rules and Procedures from the Dangerous Buildings Board and he asked them to review those and see if they wanted to include anything. A copy of the Housing Code was provided to the members and he referenced the link to the International Property Maintenance Code.

Mr. McNutt commented on the Dangerous Buildings portion of the Board. Staff members from Community Planning and Development will bring recommendations to the Board and

recommend the Board to issue an agreement that the property is a dangerous and/or blighted building. These buildings will have issues with construction, being a public nuisance, boarded, open to casual entry and are considered dangerous to the public. The Staff will ask if they believe this property is a dangerous building to give a timeline to the owner to obtain permits, make repairs, if the owner fails to meet the conditions, he'll ask the Board give the City permission to rectify the dangerous building. Members will receive an agenda packet approximately two weeks prior to the meeting with pictures, a background on the property, why it's being cited and why the DDB bringing it to the them. The homeowner will address the Board and make their case, and then the audience can speak of their concerns regarding the property also.

Mr. McNutt stated the Housing Board of Appeals portion is similar. The owner is appealing the City's interpretation of a code. Possibly a house the owner wants to use as a rental property, they don't meet the intent of the code or have been cited by the Housing Inspector's and the owner is appealing. An egress window may be too small, or the head height is too small, a railing is too short. Both Boards give the owner's the right to appeal the interpretation of the code.

Mr. Emig questioned the City's vacant property, where squatters may be living in it or property's where landlords may be renting uncertified property. He asked how the City is trying to find these properties. Mr. McNutt commented if the property is tax foreclosed it belongs to the county and the county has to deal with it as a civil matter. A condemned building is not to be habitable, if they find someone living in it; the City can't just remove the people from the property. The City can use legal powers to file charges against the inhabitants. If there is an emergency or life safety issue the City Fire Marshal or Public Safety can immediately remove the occupants.

Ms. Miller stated as the Housing Staff becomes aware of properties having a squatter or other issues they address it right then. Staff would require the owner bring the property into compliance, register it as a rental. Currently, people are buying properties from the tax sale and renting them out without registering it. We usually become aware of the properties through the tenant making a complaint, or a neighbor complaining.

Mr. Mc Nutt commented for the need for additional members on the board. He introduced Emily Parfet, she stated she was a real estate agent and has a number of rentals in the city and surrounding area. She stated she has a willingness to serve and respects all the safety issues. Mr. Emig moved to nominate Emily Parfet to be a Board Member, supported by Mr. Wark. Mr. McNutt stated the next step would be to send the recommendation to the City Commission to fill the board vacancy.

Mr. Hyde questioned how many members constitute a full board? Mr. McNutt stated seven members. He would like to have someone with a background in construction. They must either live in the city or own a business in the city. Ms. Miller stated she received a name of an architect from a previous member.

Mr. Emig clarified there are no hearings, no new reports, and the announcements have been made.

ADJOURNMENT

With a unanimous vote the meeting was adjourned at 3:45p.m.

Submitted by: _____ Date _____

DBB Recording Secretary
Deanna Benthin

Reviewed by: _____ Date _____

Building Official
Robert McNutt

Approved by: _____ Date _____

BBA Chair
Richard Emig

DRAFT



KALAMAZOO DEVELOPMENT CENTER

415 Stockbridge Avenue

Kalamazoo, MI 49001

Ph. 269.337.8026

www.kalamazoocity.org

**DANGEROUS BUILDING
NOTICE OF DETERMINATION & HEARING**

01/29/2015

**WATKINS, WILLIE MAE
1003 PRINCETON AVE
KALAMAZOO, MI 49007-3415**

The building at **1003 PRINCETON AVE, CCN# 06-15-115-009**, 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:

17-129A: All accessory structures and attached features shall be structurally sound and in good repair/free of deterioration. Garage is deteriorated to the point that it is structurally unsound. Demolition permit is required for removal.

Any and all conditions not yet resolved that were cited as violations in Correction Notice(s) dated on or about: 09/26/14.

**A HEARING IS SCHEDULED TO BE HELD BEFORE THE
BUILDING BOARD OF APPEALS
THURSDAY, February 19, 2015 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 **\$269** for the title search and review that has been completed on this property, and for one or more of the following fees: **\$161** for the referral to the DBB, **\$161** for the initial hearing, or **\$108** if this is a re-hearing.

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

Sincerely,

Robert McNutt
Building Official

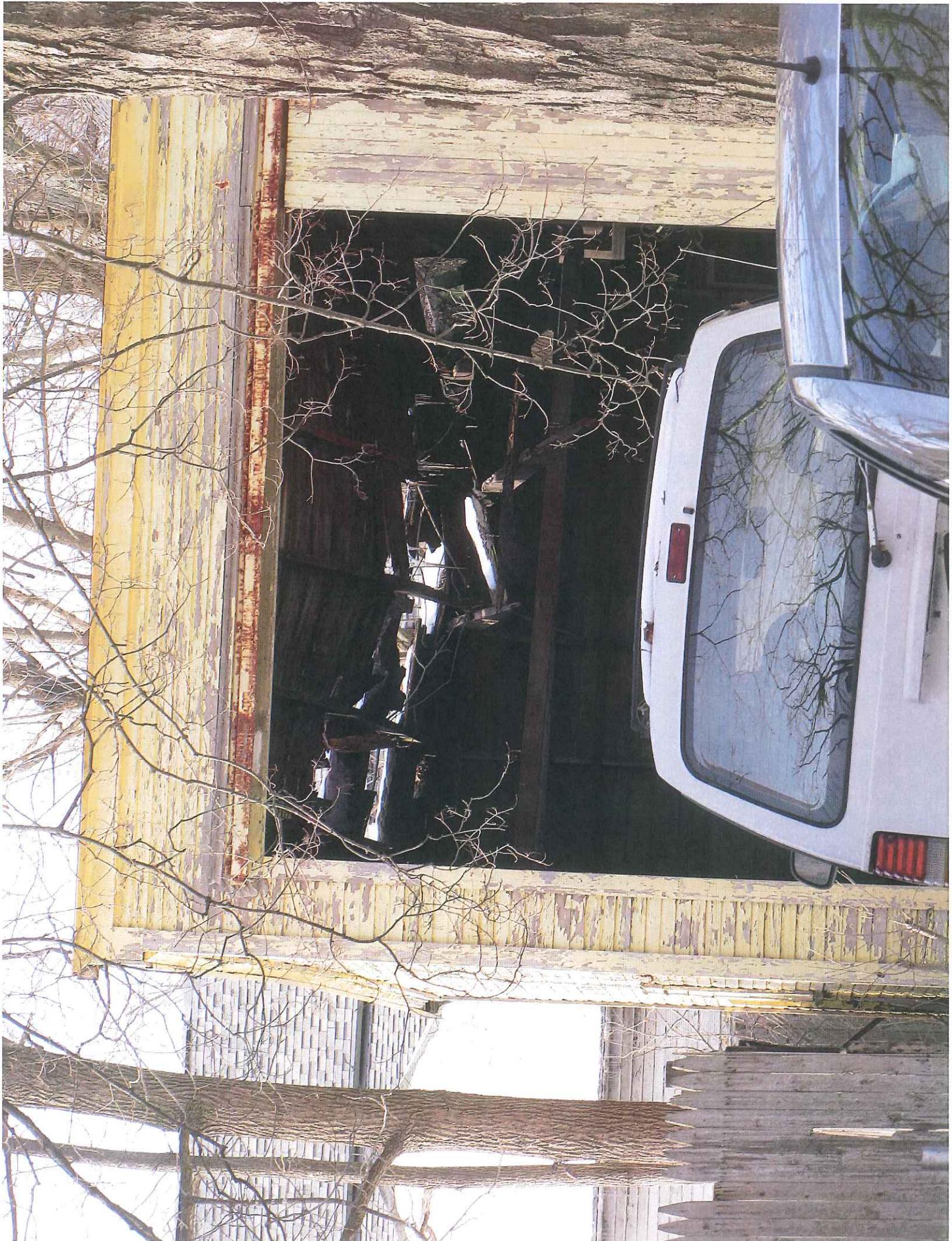
cc: CP&D Property File
BBA Board Members

New Century Mortgage
18400 Von Karman Ste 1000
Irvine, CA 92612

1003 Princeton









Norway Ave

Westnedge Ave

Princeton Ave

Park St

1026

437

1027

1023

1010

1019

1017

1013

1009

1006

1005

1004

1003

928

935

924

931

920

918

925

914

923

910

919

904

915

911

419

415

411

1025

1021

1018

1015

1010

1009

1006

1005

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937

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925

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923

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917

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915

1028

325

1024

1020

1016

1014

1008

1006

938

932 934

928

924

922

912

0 250ft

BBA PROPERTY INFORMATION SUMMARY

For February 19, 2015 meeting

1003 Princeton – This property is located in a Single-Family District (Use Zone RM-36) in the Northside neighborhood. The 44’ x 132’ (0.133 acre) property contains a 396 sq. ft. garage (and 1019 sq. ft. house), built in 1905. Nearby uses are residential dwellings. There are no historic considerations for this property.

Watkins, Willie Mae is shown as Deed Holder and Taxpayer. A 2006 Mortgage (\$50,000) is on record with “**MERS**” /**New Century Mortgage**, with a Quit Claim Deed, Tax information as found: 2014 ~ \$179.56 taxes is due.

Any and all conditions not yet resolved that were cited as violations in Correction Notice(s) dated on or about: 09/26/14.

TO-DATE NO PERMITS OBTAINED OR REHAB PLANS SUBMITTED BY OWNER. THIS GARAGE IS A DANGEROUS STRUCTURE. EXTERIOR AND INTERIOR IS IN DISREPAIR. Violations: 17-129A: All accessory structures and attached features shall be structurally sound and in good repair/free of deterioration. Garage is deteriorated to the point that it is structurally unsound. Demolition permit is required for removal.

Structural and exterior repairs for the building are estimated to cost approximately \$5,500. Estimated costs for demolition are approximately \$3,200. The 2014 SEV for house and garage is \$13,200. According to Assessor records, the Estimated True Cash value of the land alone is approximately \$7,000 and that of the entire property \$20,200.

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

Staff recommends adoption of the following motion.

The Building Board of Appeals finds that the garage structure 1003 Princeton Street constitutes a “Dangerous Building” and a blight due to the conditions and violations detailed in the 01/29/15 Dangerous Building Notice of Determination and Hearing.

The owner is ordered to obtain new permits and commence either demolition or exterior and structural repairs by February 26, 2015 and complete all exterior and structural repairs or demolition by March 26, 2015.

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 estimated costs are as follows: Structural and exterior repairs –\$5,500; Demolition – \$3,200. 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: _____



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Kalamazoo, MI 49001
Ph. 269.337.8026
www.kalamazoo.org

**DANGEROUS BUILDING
NOTICE OF DETERMINATION & HEARING**

**HAMPTON, MARLYCE
6330 E D AVE
RICHLAND, MI 49083**

The building at **1825 UNION ST, CCN# 06-10-308-007**, 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:

9-3: NO PERSON SHALL PERMIT ANY BUILDING TO BE BOARDED UP IN THE CITY FOR A PERIOD OF LONGER THAN 6 MONTHS. SUCH PERIOD OF SIX MONTHS MAY BE EXTENDED BY THE BUILDING OFFICIAL UPON FILING, BY THE OWNER OR OTHER PERSON(S) RESPONSIBLE FOR THE PREMISES OF APPLICATIONS FOR REQUIRED PERMITS TO COMPLY WITH THE ORDINANCES OF THE CITY, ALONG WITH A LETTER OF INTENT DESCRIBING WHAT REPAIRS ARE TO BE MADE AND WHEN. 17-8A PT 1: The city has authority to condemn any dwelling that is unfit for human habitation/constitutes a nuisance. A notice of condemnation shall be posted on property and written notice shall be mailed to property owner. The property is not safe for human habitation due to structural movement of the rear southern wall.

Any and all conditions not yet resolved that were cited as violations in Correction Notice(s) dated on or about: 04/07/14 & 05/30/14.

**A HEARING IS SCHEDULED TO BE HELD BEFORE THE
BUILDING BOARD OF APPEALS
THURSDAY, February 19, 2015 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 **\$269** for the title search and review that has been completed on this property, and for one or more of the following fees: **\$161** for the referral to the DBB, **\$161** for the initial hearing, or **\$108** if this is a re-hearing.

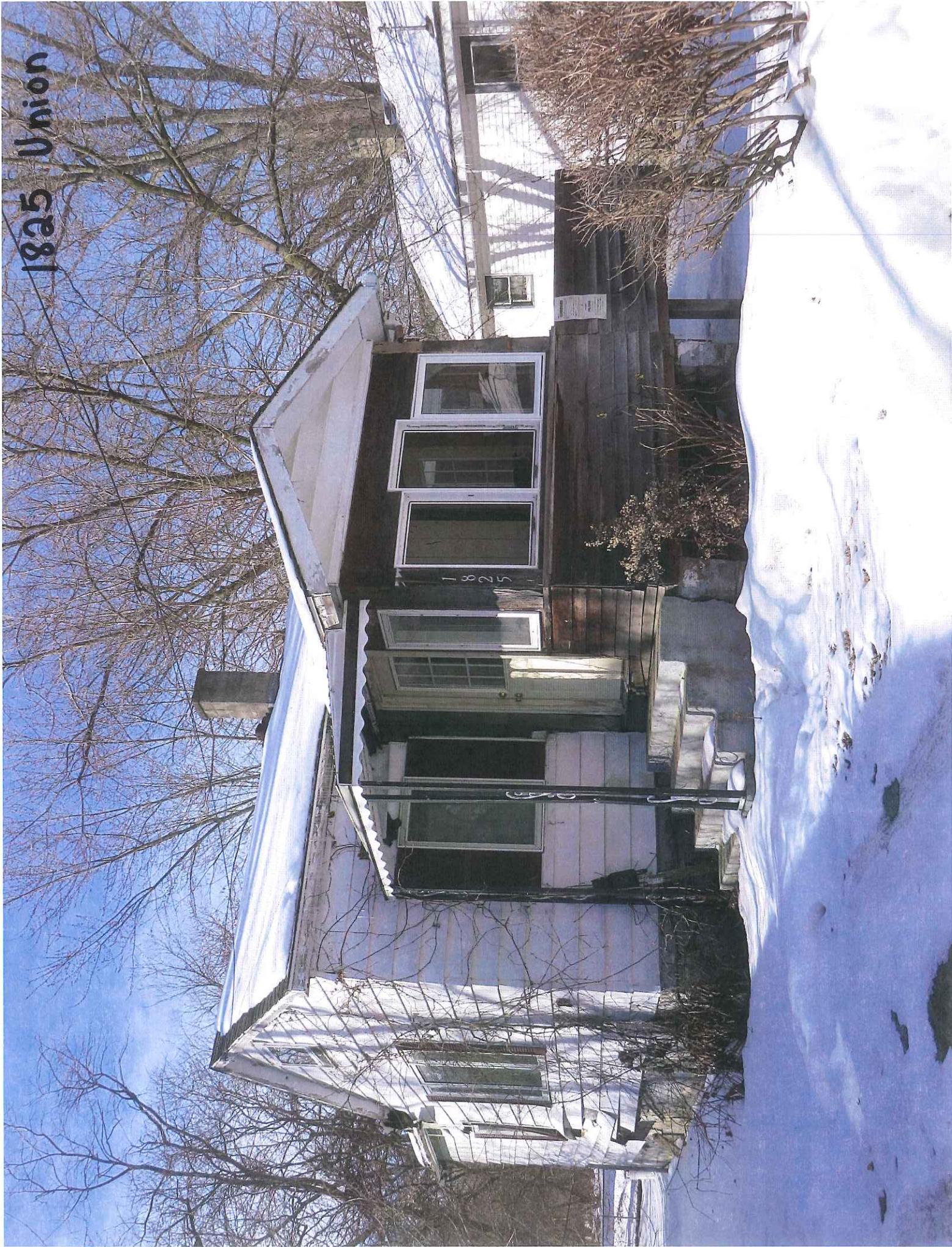
If you have further questions, please contact us at the address or phone number above.

Sincerely,

Robert McNutt
Building Official

cc: CP&D Property File
BBA Board Members

1825 Union

















BBA PROPERTY INFORMATION SUMMARY

For February 19, 2015

1825 Union St. – This property is located in a Residential, Single-Dwelling District (Use Zone RS-5) in the Northside neighborhood. The 44 ft. X 99 ft. (0.100 acre) property contains a 720 sq. ft. 1 story dwelling built in 1927. Nearby uses are residential dwellings. There are no historic considerations for this property.

Hampton, Marlyce is shown as Deed Holder and Taxpayer. A 2000 Quit Claim Deed (\$100) is on record with “**MERS**” / **no deed on file**. Tax information as found: 2014 ~ \$330.92 is due.

Any and all conditions not yet resolved that were cited as violations in Correction Notice(s) dated on or about: 04/07/14 & 05/30/14.

TO-DATE THERE IS AN EXPIRED BUILDING PERMIT OBTAINED TO REPIAR WALLS AND WINDOWS, SUBMITTED BY OWNER. THIS IS A LONG-TERM VACANT BUILDING. EXTERIOR AND INTERIOR IS IN DISREPAIR. AS AUTHORIZED BY CHAPTER 17 OF THE KALAMAZOO CODE OF ORDINANCES, Sec. 17-2: The above property is found to be UNFIT, A NUISANCE, AND IS HEREBY CONDEMNED due to serious violations of the Kalamazoo Housing Code. Sec. 17-4: The premises SHALL NOT BE OCCUPIED until it is confirmed by inspection to be in compliance with all applicable provisions of this Chapter. The property is not safe for human habitation due to structural movement of the rear southern wall.

Structural and exterior repairs for the building are estimated to cost approximately \$37,500. Estimated costs for demolition are approximately \$10,000. The 2014 SEV is \$10,300. According to Assessor records, the Estimated True Cash value of the land alone is approximately \$6,000 and that of the entire property \$16,300.

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 1825 Union St. constitutes a “Dangerous Building” and a blight due to the conditions and violations detailed in the 01/29/15 Dangerous Building Notice of Determination and Hearing.

The owner is ordered to obtain new permits and commence either demolition or exterior and structural repairs by February 26, 2015 and complete all exterior and structural repairs or demolition by March 19, 2015.

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 estimated costs are as follows: Structural and exterior repairs – \$37,500; Demolition – \$10,000. 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: