

## **Agenda**

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

**July 16, 2015**

**City Commission Chambers, City Hall**

**2:00 p.m.**

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- A. Call to Order:
- B. Roll Call:
- C. Communications and Announcements:
- D. Approval of the Minutes: May 21, 2015
- E. Initial Hearings:
  - 1119 Douglas Terrace
- F. Other Business:
- G. Adjournment:

**MINUTES  
BUILDING BOARD OF APPEALS  
May 21, 2015 2:00 p.m.  
City Commission Chambers**

**CALL TO ORDER**

Mr. Emig called the meeting to order at 2:00 p.m.

**ROLL CALL OF BOARD MEMBERS**

**Members Present:** Richard Emig, Chair, Charles Kiplinger, Vice Chair, Linda Servis, Emily Parfet, David Hyde

**Members Absent:** Gary Wark

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

**NEW BUSINESS**

**APPROVAL OF PREVIOUS MINUTES**

Mr. Hyde, supported by Ms. Servis moved to approve the minutes of March 19, 2015 as submitted, approved by voice call vote.

**APPROVAL OF AGENDA**

Mr. Emig moved to approve the agenda as submitted.

Motion approved by voice vote unanimously.

**INITIAL HEARINGS**

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

**1813 March Street:** This property is located in a Residential Single-Dwelling District (Use Zone RS-5) in the Edison neighborhood. The 40' x 99' (0.91 acre) property contains a 1,136 sq. ft. 2 story house, and 432 sq. ft. garage built in 1920. Nearby uses are residential dwellings. There are no historic considerations for this property. EQUITY TRUST COMPANY CUSTODIAN FBO is referred to herein as the owner of the property. A 2015 Fee Simple is on file, it is free and clear of any existing mortgages. Tax information as found: 2014 Summer Tax Amount: \$1,859.29 BASE; 2014 Winter Tax Amount: \$598.27 BASE; 2014 Taxes; \$2,828.53 MAY PAYOFF; 2014 Taxes: \$3,108.01 MAY PAYOFF; Invoices: \$971.00 DUE (plus penalties and interest, if any).

Mr. McNutt stated this house had been condemned since 12/15/09, it's been vacant, abandoned and has boarded windows, roofing issues, the back porch is decayed and has foundation cracks. The garage is in desperate need of repairs, it's twisted, leaning and the walls are deteriorating around the foundation. There are no utilities; no care or upkeep has taken place in over six years. When he visited the site to inspect the neighbor came out and stated he was glad to see someone from the City was on the property and not another vagrant breaking into the house. The neighbor has called Public Safety several times to have people removed from the house. This is a blight to the neighborhood; he has concerns with someone setting fire to it.

The estimated costs are as follows: Structural and exterior repairs – \$42,000. Demolition – \$13,800. 2015 SEV: \$18,100. According to Assessor records, the Estimated True Cash value of the land alone is approximately \$9,237 and that of the entire property \$27,337. A charge of \$1,000 for administrative costs shall also be assessed against the property if direct City abatement becomes necessary.

**Staff recommends adoption of the following motion.**

The Building Board of Appeals finds that the structure and grounds at 1813 March Street constitutes a "Dangerous Building" and a blight due to the conditions and violations detailed in the 05/04/15 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 May 28, 2015 and complete all exterior and structural repairs or demolition by June 29, 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.

Public Hearing closed.

**FINDING OF FACT**

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

1. The Finding of Fact for 1813 March Street shall include all information included in the notice of public hearing dated May 4, 2015 is as stated on the summary sheet. There are over \$3,000 in back taxes due, citations from the City going back over six years. The neighbors stated there are vagrants going in and out of the property and no one was present to represent the property.

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

Motion approved for the Finding of Fact by roll call vote.

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

**Motion approved by voice vote unanimously.**

**1020 E. Vine Street:** This property is located in a Commercial (Local) Neighborhood District (Use Zone CN1) in the Edison neighborhood. The 32' x 157' (0.12 acre) property contains a 1,190 sq. ft. 1 story commercial building built in 1940. Nearby uses are residential dwellings. There are no historic considerations for this property. PALMORE, ELBERT E is referred to herein as the owner of the property. A 2015 Fee Simple is on file, it is free and clear of any existing mortgages. Tax information as found: 2014 Summer Tax Amount: \$720.48 (includes \$140.00 Housing Lien) BASE; 2014 Winter Tax Amount: \$582.98 BASE; Invoices: \$134.00 NOW DUE AND PAYABLE; 2014 TAXES: \$1,471.79 MAY PAYOFF; 2013 TAXES: \$1,735.52 MAY PAYOFF.

Mr. McNutt stated the property was cited in 2008, since then there's been no activity for corrections. Mr. Willie White represented himself as the owner stating he was going to make corrections to the property. A title search showed at one time Mr. White had bought the property on land contract, due to failure of payment it reverted back to the original owner PALMORE, ELBERT E. Mr. White has contacted the City stating he owns the property and has legal rights to it; however the title search doesn't show he has any legal right to the property. A neighbor to the east of this property called Mr. McNutt out to the property stating there was a loud rumble from the property, and when he looked out the roof had caved in. When the roof caved it went down into the basement, it is to the point there isn't any viable means to repair this building.

The estimated costs are as follows: Structural and exterior repairs are determined to be beyond repair. Demolition – \$9,200. The 2014 SEV is \$28,600. According to Assessor records, the Estimated True Cash value of the land alone is approximately \$27,623 and that of the entire property \$57,567. A charge of \$1,000 for administrative costs shall also be assessed against the property if direct City abatement becomes necessary.

**Staff recommends adoption of the following motion.**

The Building Board of Appeals finds that the structure and grounds at 1020 E. Vine Street constitutes a "Dangerous Building" and a blight due to the conditions and violations detailed in the 05/04/15 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 May 28, 2015 and complete all exterior and structural repairs or demolition by June 29, 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.

Mr. McNutt stated this property has been in disrepair for years. Mr. White has stated he was going to do things and hasn't.

City Inspector Rachael Luscomb stated she been dealing with this property and has talked to the owner and the tax payer of record. Both stated they wanted to fix the building up themselves.

She stated they needed to hire an architect. Mr. McNutt also spoke with a representative and stated he would require Engineers to access the building to see if it could be repaired. The gentleman was just representing the owner, he wasn't a licensed contractor, and he was a friend of Mr. White.

Chair Emig stated the City has obviously given the owner sufficient time to make repairs and they haven't made an attempt.

Mr. McNutt questioned Inspector Luscomb if she felt the building could be saved. She replied she didn't feel it could be, with the roof lying in the basement.

Ms. Parfet questioned why Mr. White feels he owns this property through a land contract, but didn't proceed with it. She had concerns over Mr. White claiming he owns it and trying to come back onto the City. Mr. McNutt stated the title work shows, the land contract B08-0493 was the case number September 9, 2008. The property is also up for tax foreclosure.

Public Hearing closed.

## **FINDING OF FACT**

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

1. The Finding of Fact for 1020 E. Vine shall include all information included in the notice of public hearing dated May 4, 2015. Back taxes are still due, it's been vacant since 2008 and there's been no action to repair the building. The building is beyond repair. It's become a dangerous building; if the City doesn't hear from Mr. Palmore prior to May 28, 2015 they should proceed with demolition.

### **Ms. Parfet supported 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, supported by Mr. Kiplinger.**

Motion approved by roll call vote unanimously.

## **ANNOUNCEMENTS**

## **ADJOURNMENT**

Mr. Kiplinger moved to adjourn the meeting and was supported by Ms. Servis.

With a unanimous vote the meeting was adjourned at 2:25 p.m.

Submitted by: \_\_\_\_\_ Date \_\_\_\_\_  
BBA Recording Secretary  
Deanna Benthin

Reviewed by: \_\_\_\_\_ Date \_\_\_\_\_  
Building Official  
Robert McNutt

Approved by: \_\_\_\_\_ Date \_\_\_\_\_  
BBA Chair  
Richard Emig

DRAFT



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**DANGEROUS BUILDING  
NOTICE OF DETERMINATION & HEARING**

07/01/2015

**DALLA, MICHAEL R  
1032 CHRYSLER ST  
KALAMAZOO, MI 49048**

The building at **1119 DOUGLAS TER, CCN# 06-16-344-010**, 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: UNSAFE STRUCTURES SHALL BE TAKEN DOWN AND REMOVED OR MADE SAFE, AS THE BUILDING OFFICIAL DEEMS NECESSARY AND AS PROVIDED FOR IN THIS SECTION. A section of the foundation has collapsed and fallen into the basement. The building is now a dangerous building and action must be taken at once to make the building safe or remove the building before falls.**

Any and all conditions not yet resolved that were cited as violations in Correction Notice(s) dated on or about: 3/25/13, 6/25/13, 10/18/13, 1/9/14, 3/11/14, 6/19/14, 9/8/14 & 5/25/15.

**A HEARING IS SCHEDULED TO BE HELD BEFORE THE  
BUILDING BOARD OF APPEALS  
THURSDAY, July 16, 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

## **BBA PROPERTY INFORMATION SUMMARY**

For July 16, 2015 meeting

**1119 Douglas Terrace** – This property is located in a Residential Duplex District (Use Zone RD-19) in the Fairmont neighborhood. The 41' X 66' (0.063 acre) property contains a 1232 sq. ft. two story residential home built in 1918. Nearby uses are residential dwellings. There are no historic considerations for this property.

**DALLA, MICHAEL R** is shown as Deed Holder and Taxpayer. A 2006 Warranty Deed (\$85,000 mortgage) is on record with “MERS” / Homecomings Financial Network, Inc. A Certificate of Forfeiture of Real Property to the Kalamazoo County Treasure for Non Payment of Property taxes for the years, 2011, 2012, & 2013 for \$5,763.53 was filed on April 13, 2015.

**Delinquent taxes showing as owed have been found and are payable at the County Treasurer (Contact them for the exact amount):** As of 7/6/15 tax information found shows: 2014 Winter Tax Amount: \$666.36 - Base 2014 Taxes: \$1,947.55 JULY PAYOFF 2013 Taxes: \$2,470.16 JULY PAYOFF - 2012 Taxes: \$2,629.76 JULY PAYOFF - 2011 Taxes: \$1,473.37 JULY PAYOFF - Invoices: \$242.00 DUE (plus penalties and interest, if any).

2015 Summer Tax Amount: \$851.60 is now due and payable to the City Treasurer. This amount is valid until July 31, 2015. After July 31, 2015, additional interest and penalties will be applied.

Additionally, there are two open invoices that are now delinquent totaling \$242.00. The amount listed is valid until July 31, 2015 and may also be paid at the City Treasurer. Additional interest and penalties will be applied after July 31, 2015.

Any and all conditions not yet resolved that were cited as violations in Correction Notice(s) dated on or about: 3/25/13, 6/25/13, 10/18/13, 1/9/14, 3/11/14, 6/19/14, 9/8/14 & 5/25/15.

**VIOLATIONS: UNSAFE STRUCTURES SHALL BE TAKEN DOWN AND REMOVED OR MADE SAFE, AS THE BUILDING OFFICIAL DEEMS NECESSARY AND AS PROVIDED FOR IN THIS SECTION. A section of the foundation has collapsed and fallen into the basement. The building is now a dangerous building and action must be taken at once to make the building safe or remove the building before falls.**

Structural and exterior repairs for the building are estimated to cost approximately \$28,000. Estimated costs for demolition are approximately \$13,500. The 2015 SEV is \$20,600. According to Assessor records, the Estimated True Cash value of the land alone is approximately \$7,240 and that of the entire property \$33,882.

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 1119 Douglas Terrace constitutes a “Dangerous Building” and a blight due to the conditions and violations detailed in the 7/1/15 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 **July 23, 2015** and complete all exterior and structural repairs or demolition by **August 24, 2015**.

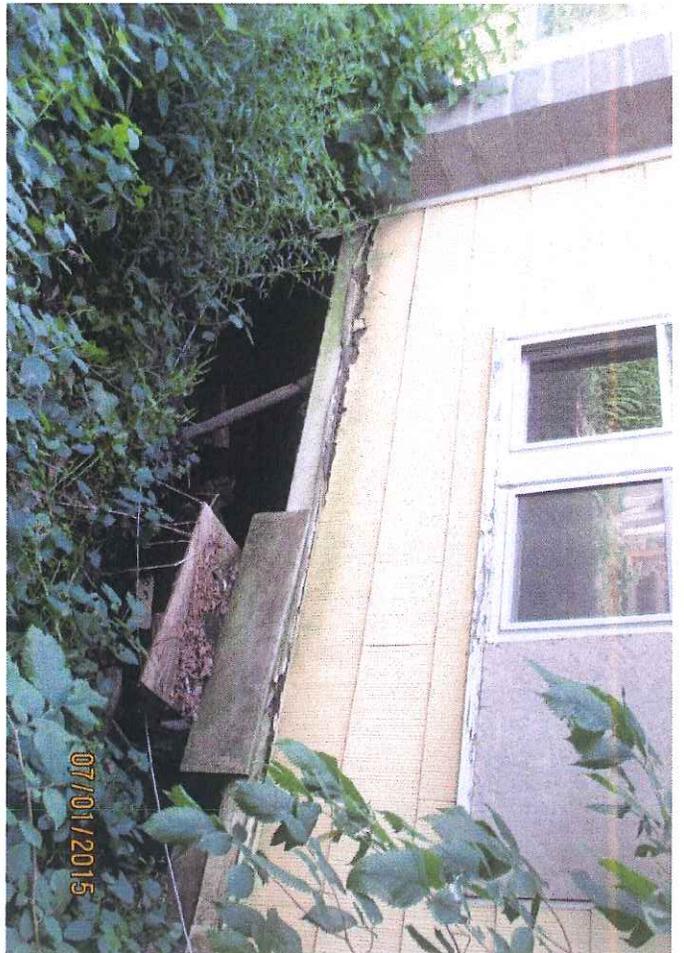
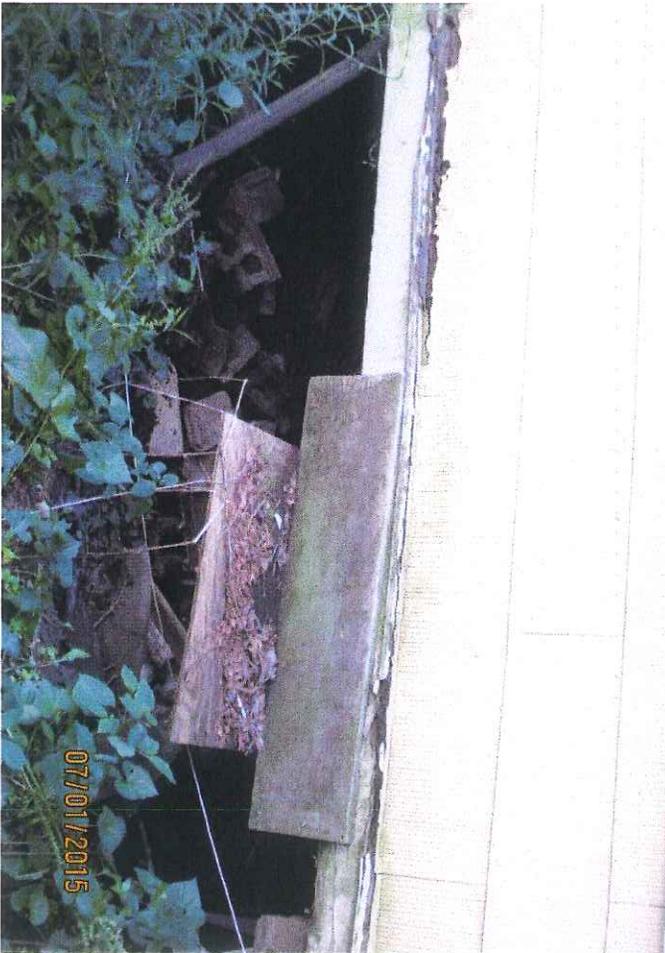
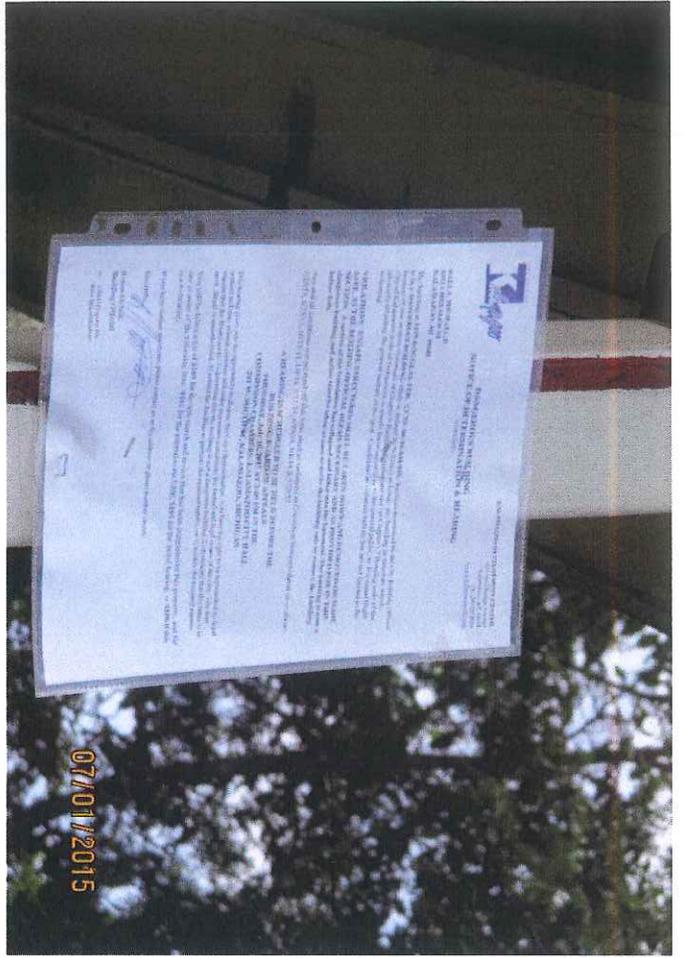
Further, if the required action is not completed by either deadline, the City is authorized by the Building Board of Appeals to take any and all legal actions necessary to cause full compliance and eliminate said danger and blight. This includes performing the demolition or repair, either by City personnel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

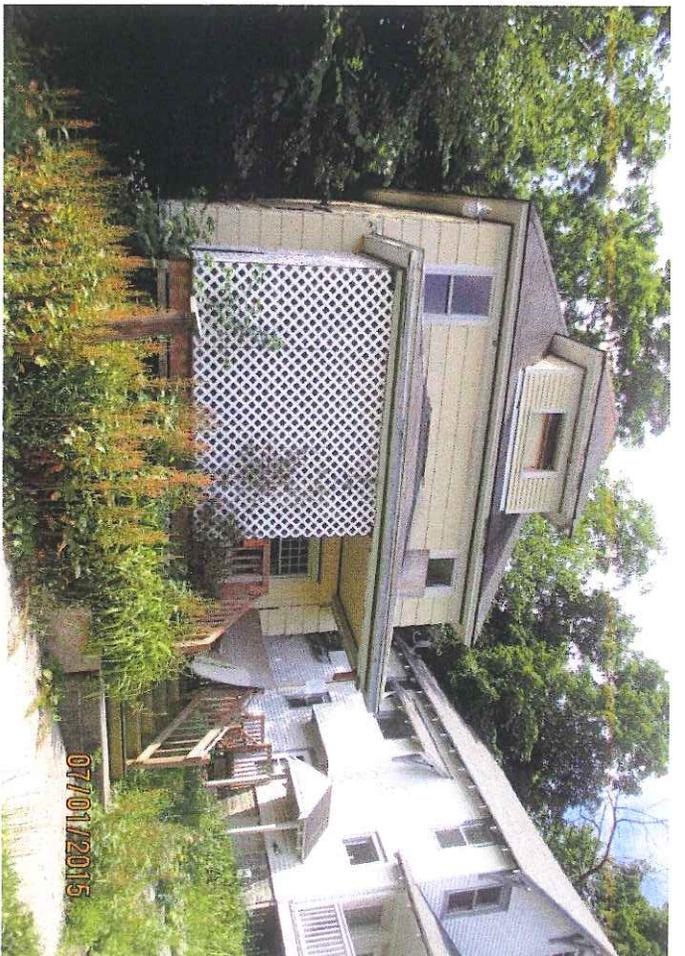
The estimated costs are as follows: Structural and exterior repairs – \$28,000; Demolition – \$13,500. A charge of \$1,000 for administrative costs shall also be assessed against the property if direct City abatement becomes necessary.

Motion by:

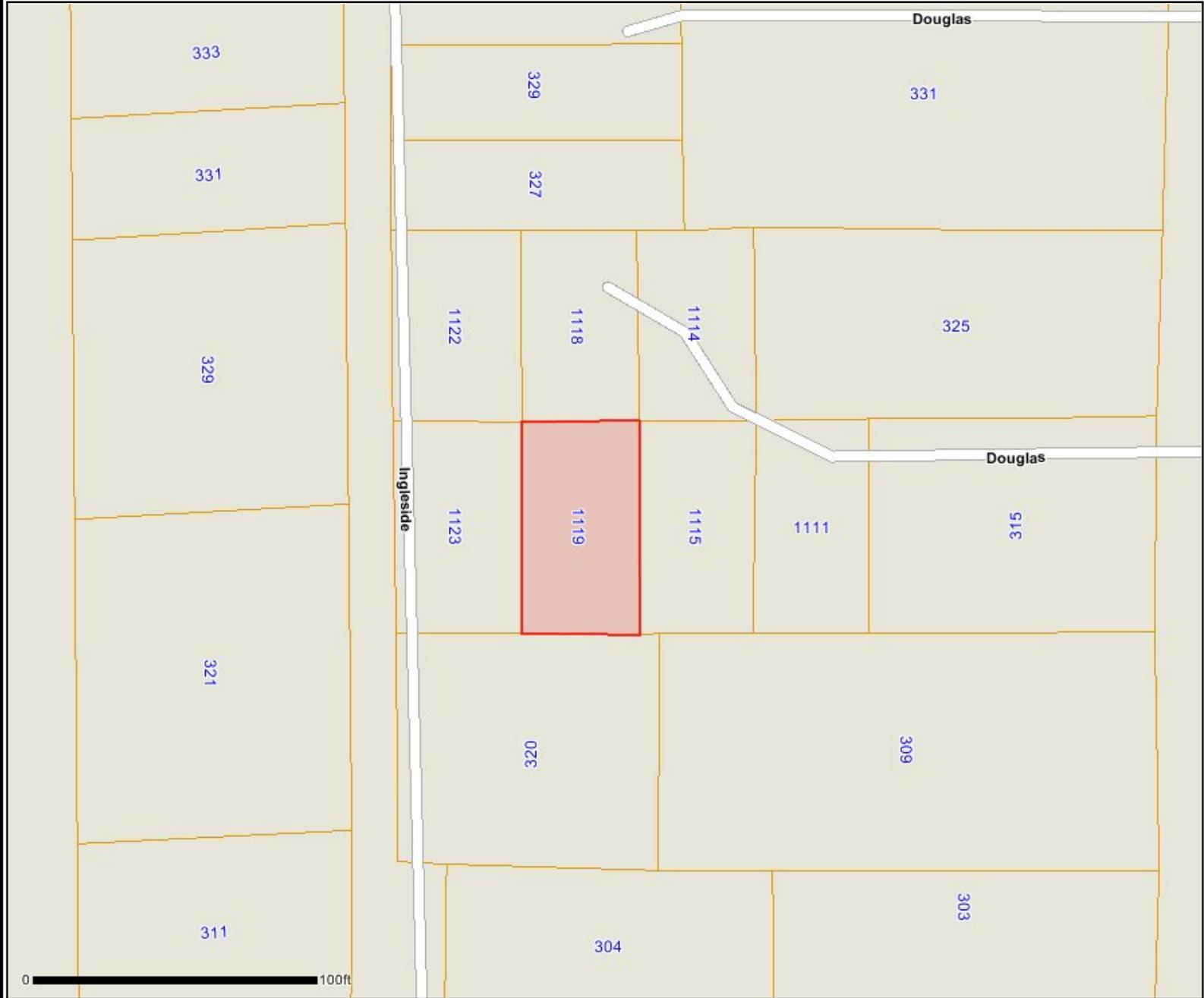
Second by:

Vote:





# 119 Douglas Terrace



- Selected Features
- County Boundary
- City Limits
- Construction Sites
- Streets
- Freeway
- Major Arterial
- Minor Arterial
- Ramp
- Trails
- Roads
- Streets
- Freeway
- Major Arterial
- Minor Arterial
- Ramp
- Roads
- Streets
- Water Features
- Surface
- Culvert
- Water Features
- Parcels
- Municipalities
- Streets

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: 7/1/2015