

CITY OF PORTAGE CONSTRUCTION BOARD OF APPEALS

Minutes of Meeting – March 16, 2009

The City of Portage Construction Board of Appeals meeting of March 16, 2009 was called to order at 5:00 p.m. in Conference Room One of Portage City Hall, 7900 South Westnedge Avenue, Portage, Michigan.

MEMBERS PRESENT:

Thomas Wilkinson, Lawrence Schmidt, Bill Miller, William Koopsen and John Kounelis.

MEMBERS ABSENT:

None

MEMBERS EXCUSED:

Brett Grossman and William Leach

IN ATTENDANCE:

Terry Novak, Deputy Director of Building Services and Mike Beery Building Inspector.

APPROVAL OF MINUTES:

The minutes of October 6, 2008 were approved.

BOARD ACTION:

5421 Meredith Street (Maple Ridge Apartment Building 21) – Show Cause Hearing for fire damaged building.

Chairman Wilkinson opened the Show Cause Hearing for the fire damaged building at Maple Ridge Apartments. Ms. Cathi Berrier, site manager for Maple Ridge Apartments and Ms. Kay Tomlinson of GlassRatner were in attendance. Deputy Director Novak provided information to the Board regarding the October 4, 2008 fire that destroyed a portion of Building 21 at Maple Ridge. Deputy Director Novak referenced prior correspondence transmitted to the property owner, Tritex Real Estate Advisors, including a November 25, 2008 letter requesting that Tritex provide building plans and a construction schedule for repairing the building to the Department of Community Development by December 12, 2008. Deputy Director Novak advised the Board that the requested information was not received and that unsafe structure proceedings for the fire damaged building were commenced. Mr. Berrier informed the Board that the delay in providing the requested information or repairing the fire damaged building was because their insurance company was located outside of the United States and the claim had not been finalized. Ms. Berrier also stated that the owner was currently in the process of selling the property to Lakeshore Management LLC. Building Inspector Beery provided a brief history other property maintenance work occurring at Maple Ridge, which included roof repair, brick replacement and support column and railing repair. Inspector Beery informed the Board that the repairs were being completed as the result of a civil infraction ticket that was

issued to Maple Ridge. Deputy Director Novak advised the Board that prompt action was needed to repair the fire damaged building. The continued existence of the building in its current condition was detrimental to the adjacent neighborhood, had a negative impact on the residents living at Maple Ridge and served as an attractive nuisance.

After brief discussion, a motion was made by Member Miller that the property owner provide, in writing, detailed information regarding the proposed course of action to repair the building including a date-specific timeline for the building, plumbing, mechanical, electrical work elements and related site work by the close of business March 31, 2009. Member Koopsen requested that an "aggressive timeline" be added to the motion to stress the importance of swift action to repair the building. Member Schmidt inquired what would happen if ownership of the property was transferred. Deputy Director Novak advised the Board that Section 42-1349 of Article 13, Unsafe Structures stated "It shall be unlawful for the owner of any dwelling unit or structure who has received or upon whom has been served a notice pursuant to this article, to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the notice have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the director of community development a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt without condition for making the corrections or repairs required by such compliance order or notice of violation." Member Miller amended his motion to require that the property owner provide, in writing, detailed information regarding the proposed course of action to repair the building including a date-specific aggressive timeline for the building, plumbing, mechanical, electrical work elements and related site work by the close of business March 31, 2009. When the information and timeline are received, they are to be provided to the Board for review at their April meeting. The motion passed unanimously.

ADJOURNMENT:

The Board meeting adjourned at 5:35 p.m.

Respectfully Submitted,

Terry A. Novak,
Deputy Director of Building Services