

CITY OF
PORTAGE

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CONSTRUCTION BOARD OF APPEALS

April 13, 2009

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CONSTRUCTION BOARD OF APPEALS

A G E N D A

April 13, 2009

The City of Portage Construction Board of Appeals will hold a meeting on Monday, **April 13, 2009 at 5:00 p.m.** in Conference Room 1, Portage City Hall, 7900 South Westnedge Avenue.

APPROVAL OF MINUTES:

*March 16, 2009

OLD BUSINESS:

*5421 Meredith Street – Show Cause Hearing continuation for fire damaged building.

NEW BUSINESS:

None

STATEMENT OF CITIZENS:

ADJOURNMENT:

Material Transmitted

Star (*) indicates printed material within the agenda packet.

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.

 **DRAFT**

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

TO: Construction Board of Appeals

FROM: Jeffrey M. Erickson, Director of Community Development

DATE: April 2, 2009

SUBJECT: Show Cause Hearing – 5421 Meredith Street

CODE SECTION: Article 13, Section 42-1341 - Unsafe Structures, City of Portage Codified Ordinances

STAFF RECOMMENDATION:

This item appeared before the Board at a Show Cause Hearing on March 16, 2009. After review and discussion by the Board, a motion was approved requiring 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.

Attached is correspondence dated March 25, 2009 from Mr. Mark Bodnar, proposed purchaser of the property, that provides a timeline for repairs to the fire damaged building. A second letter is attached from Trimont Real Estate Advisors indicating that their partner company, TriTex Real Estate Advisors, agrees to adhere to the timeline submitted by Mr. Bodnar, should the transfer of ownership of Maple Ridge Apartments fail.

It is recommended that the Construction Board of Appeals review and accept the submitted timeline and table this item until June 15, 2009. The timeline establishes a satisfactory completion date of June 12, 2009 for the necessary repairs to the fire damaged building. Tabling the item will provide staff the opportunity to monitor progress on the project and allow the Board to consider enforcement action including directing the City Attorney to seek an injunction through Circuit Court should the property owner fail to comply with the established project schedule.

It is also significant that the new owner, Lakeshore Management, LLC, has committed to accomplish a number of planned renovations to the Maple Ridge and Sprinkle Ridge apartment complexes per the March 9, 2009 letter previously provided to the Board. Department of Community Development staff will continue to monitor progress in regards to the fire damaged building and the apartment complexes to ensure conformance with applicable ordinances and to the benefit of the entire neighborhood.

Attachments: Correspondence dated March 25, 2009 from Mr. Mark Bodnar
Correspondence dated March 30, 2009 from Mr. Chad DeFoor.

BODNAR AND BODNAR

MARK S. BODNAR
CAROL G. BODNAR

ATTORNEYS AT LAW
12900 Lake Rd PH40
Lakewood, OH 44107

216-221-5075
FAX 216-221-8282

March 25, 2009

Department of Community Development
Attn: Jeffery M. Erickson, Director
7900 South Westnedge Ave.
Portage, Michigan 49002

RECEIVED
March 31 2009
COMMUNITY DEVELOPMENT

RE: Maple Ridge Apartments fire damaged building

Dear Mr. Erickson,

This correspondence will provide for you an aggressive timeline to complete the repairs to the fire damaged building at Maple Ridge Apartments. Please note that ownership shall transfer to our company on or before April 1, 2009.

Architectual Plans/Blueprints:

Completion date on or before April 4, 2009 by Richard King and Associates.

Demolition:

Work to begin on or before April 15, 2009 and completed by April 24, 2009.

Framing/Roofing/Structuaral:

Work to begin on or before April 24, 2009 and completed by May 15, 2009.

Plumbing/Mechanical/Electrical:

Work to begin on or before May 15, 2009 with completion of all rough in by May 29, 2009.

Finish work with completion by June 12, 2009.

Please contact me at your earliest convenience if you have any further questions.

Sincerely,



Mark S. Bodnar
Attorney at Law



RECEIVED

MAR 31 2009

COMMUNITY DEVELOPMENT

March 30, 2009

Department of Community Development
Attn: Jeffery M. Erickson, Director
7900 South Westnedge Ave.
Portage, MI 49002

RE: Maple Ridge Apartments fire damaged building

Dear Mr. Erickson,

This correspondence is in reference to the March 25, 2009 timeline submitted by the Buyer of Maple Ridge to complete the building repairs outlined. The current owner, TriTex Real Estate Advisors, Inc. agrees to adhere to the timeline submitted, if the sale of Maple Ridge fails to go through as scheduled.

Sincerely,

A handwritten signature in black ink, appearing to read "Chad DeFoor", written over a white background.

Chad DeFoor
Asset Manager