

CITY OF
PORTAGE

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CONSTRUCTION BOARD OF APPEALS

November 30, 2009

CITY OF PORTAGE
CONSTRUCTION BOARD OF APPEALS
A G E N D A

November 30, 2009

The City of Portage Construction Board of Appeals will hold a meeting on November 30, 2009 at 5:00 p.m. in Conference Room One, Portage City Hall, 7900 South Westnedge Avenue.

APPROVAL OF MINUTES:

*May 21, 2009

OLD BUSINESS:

None

NEW BUSINESS:

*4130 Branch Avenue – Show Cause Hearing for vacant fire damaged single-family house.

*9017 Nougles Court – Show Cause Hearing for vacant single-family house in disrepair.

STATEMENT OF CITIZENS:

ADJOURNMENT:

Material Transmitted

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

CITY OF PORTAGE CONSTRUCTION BOARD OF APPEALS

 **DRAFT**

Minutes of Meeting – May 21, 2009

The City of Portage Construction Board of Appeals meeting of April 13, 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 and William Koopsen.

MEMBERS ABSENT:

None

MEMBERS EXCUSED:

William Leach, John Kounelis and Brett Grossman

IN ATTENDANCE:

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

APPROVAL OF MINUTES:

The minutes of April 13, 2009 were approved.

BOARD ACTION:

7536 South Sprinkle Road – Show Cause Hearing for Single-family House

Chairman Wilkinson commenced the Show Cause Hearing for the single-family house located at 7536 South Sprinkle Road. The property owner, Ms. Lois Oryczak was in attendance. Deputy Director Novak provided background information pertaining to the unsafe condition of the house. Deputy Director Novak advised that Community Development was contacted on January 14, 2009 by the Fire Department in response to a ruptured water line that had ruptured in the basement of the house allowing the water level to reach approximately 4 – 5 feet deep. As a result, the electric meter for the house was removed. An inspection of the house was requested by the homeowner on February 10, 2009 to have the electrical meter reinstalled. During the inspection excessive water damage, mold and rubbish were discovered in the basement of the house. Correspondence dated February 17, 2009 and March 10, 2009 was transmitted to the property owner requesting that corrective action be immediately taken and that the owner provide a scope of work and related timeline for the repair of the house. The requested information was not submitted and the repairs were not completed. As a result, an Unsafe Structure notice was transmitted to the property owner on March 27, 2009. Again, there was no response from the property owner. A Show Cause Hearing notice was transmitted to the owner on May 5, 2009. Building Inspector Beery and Electrical Inspector Deering provided information regarding the mold and damage to the basement they had observed from their inspection.

Ms. Oryczak advised the Board that she and her husband had been extremely busy and were attempting to clean up the water damage in the basement. The Board expressed displeasure that Ms. Oryczak did not contact staff regarding the correction notices or provide the requested scope of work and timeline. Ms. Oryczak indicated that much of the debris from the basement had been removed and they hoped to have the house total cleaned by the end of June.

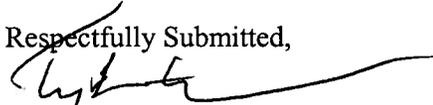
The Board discussed the difficulties that the mold in the basement presented and the need for someone trained in mold remediation review to review the matter to determine the proper course of action. Ms. Oryczak concurred and advised that they were in the process of contacting model remediation firms for pricing and options.

A motion was made by Member Koopsen that 1.) A proposal and scope of work be submitted to the Department of Community Development by June 5, 2009 from a firm knowledgeable in mold remediation/removal. 2.) Certification be provided to the Department of Community Development by July 3, 2009 from a firm knowledgeable in mold abatement/removal indicating that the mold within the house has been satisfactorily addressed for occupancy purposes. 3.) All utilities required for the occupancy of the house including the electrical, mechanical and plumbing systems be operational by July 31, 2009. The motion was seconded by Member Miller and passed unanimously.

ADJOURNMENT:

The Board meeting adjourned at 6:00 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: November 11, 2009

SUBJECT: Show Cause Hearing – 4130 Branch Avenue

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

**STAFF
RECOM-
MENDATION:**

The vacant house located at 4130 Branch Avenue has not been made habitable or safe in accordance with the provisions of the Codified Ordinances of the City of Portage.

In compliance with the Unsafe Structure Ordinance, a September 25, 2009 unsafe structure notice was sent certified mail and posted on the vacant house advising that the property owner had 30-days to bring the house into compliance or further enforcement action would be pursued. A November 9, 2009 Show Cause Hearing notice was sent certified mail and posted on the site.

The condition of the house continues to deteriorate and create a negative impact on the adjacent properties. Prior staff communications with the property owner, Mr. Briant Kernell indicates that it was his original intention to refurbish the house, however, recent attempts to contact Mr. Kernell have proved unsuccessful. As additional information, the property taxes for the property are in default for the past two years. The condition of the house is substandard and there is a lack of maintenance demonstrated by the property owner including the following significant deficiencies:

1. The house is in disrepair and open to causal entry.
2. Utilities (gas, electricity, water, etc.) to occupy the structure have been disconnected.
3. There are broken and/or missing windows and screens for the structure.
4. The structural loading for the enclosed porch appears to be deficient.

Staff recommends that the vacant house be razed within 30-days. Failure to comply with the order will result in the matter being referred to City Council with a recommendation that the structure be razed.

Attachments: Unsafe structure notification dated September 25, 2009.
Show Cause Hearing notification dated November 9, 2009.
Photographs of 4130 Branch Avenue.

S:\Department Files\Board Files\CONSTRUCTION BOARD\2009 11 11 JME Show Cause Recommendation 4130 Branch Avenue.doc

November 9, 2009

Sent Certified Mail and Posted on Site

Mr. Briant Kernell
127 North Lauderdale Drive
Kalamazoo, MI 49006

Dear Mr. Kernell:

RE: Notice of Show Cause Hearing – 4130 Branch Avenue

The vacant house located at 4130 Branch Avenue has not been made safe in accordance with the provisions of the Codified Ordinances of the City of Portage, Michigan. The following defects, conditions and/or violations cited in the September 25, 2009 Unsafe Structure notice have not been properly addressed:

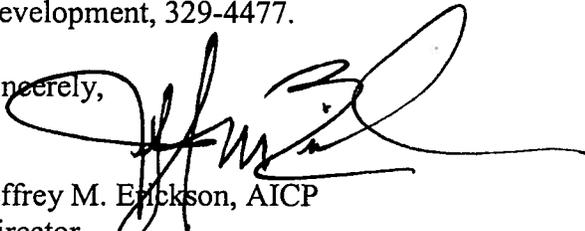
1. The house is in disrepair and open to casual entry.
2. Utilities (gas, electricity, water, etc.) to occupy the structure have been disconnected.
3. There are broken and/or missing windows and screens for the structure.
4. The structural loading for the enclosed porch appears to be deficient.

As a result of these continued violations, you are hereby notified that a hearing on the condition of the house will be held before the Construction Board of Appeals at 5:00 p.m. on November 30, 2009. The meeting will be held in Conference Room One of Portage City Hall, 7900 South Westnedge Avenue, Portage, Michigan. At this hearing, you will have the opportunity to show cause as to why the house should not be ordered demolished or otherwise made safe. The owner and any occupant of the house shall have the right at the hearing to cross-examine witnesses who testify against the owner's and/or occupant's interests and the right to produce witnesses on your own behalf, including the use of pictures, video tapes or other recording devices.

The decision of the Construction Board of Appeals may be appealed to City Council for review within ten (10) days after the decision of the Board and, after review by Council, may be appealed to the Kalamazoo County Circuit Court within twenty (20) days after the decision of the Council.

If you have any questions, please contact the Division of Building Services, Department of Development, 329-4477.

Sincerely,


Jeffrey M. Erickson, AICP
Director

cc: Terry A. Novak, Deputy Director of Building Services
Vicki Georgeau, Deputy Director of Neighborhood Services

S:\Department Files\Address Files\B\BRANCH\2009 11 09 TAN 4130 Branch Avenue Show Cause.doc

September 25, 2009

Sent Certified Mail and Posted on Site

Mr. Briant Kernell
127 North Lauderdale Drive
Kalamazoo, MI 49006

Dear Mr. Kernell:

RE: Unsafe Structure - Notice to Owner/Occupant – 4130 Branch Avenue

According to records at City Hall, you are the owner and/or occupant of the property and the property improvements at 4130 Branch Avenue. Upon inspection of the property, the following defects, conditions and/or violations of Portage City Codes have been identified:

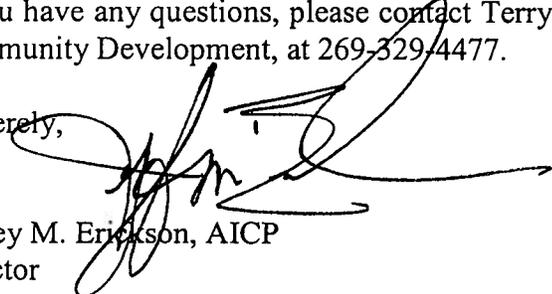
1. The house is in disrepair and open to casual entry.
2. Utilities (gas, electricity, water, etc.) to occupy the structure have been disconnected.
3. There are broken and/or missing windows and screens for the structure.
4. The structural loading for the enclosed porch appears to be deficient.

As a result of these violations/deficiencies and continued building deterioration, the above referenced house has been determined to be unsafe as defined in Section 42-1341 of the City of Portage Building and Housing Code.

As you are aware, staff has worked with you in your requests for additional time to determine your proposed course of action for the house. However, to ensure neighborhood public health and safety, immediate progress to repair or remove the house within 30 days is required in order to avoid enforcement proceedings for the house as an unsafe structure.

If you have any questions, please contact Terry Novak, Deputy Director of Building Services, Department of Community Development, at 269-329-4477.

Sincerely,

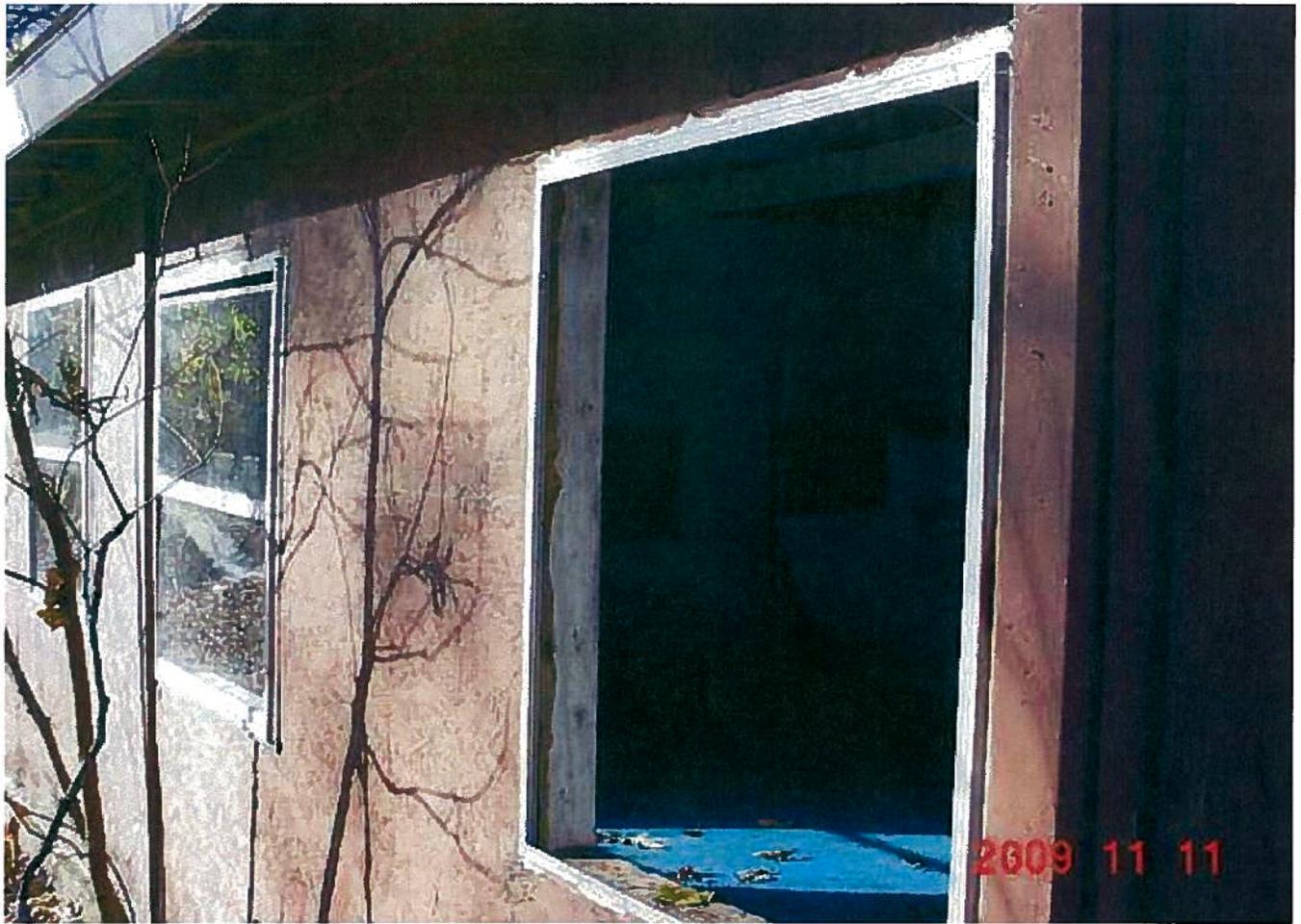

Jeffrey M. Erickson, AICP
Director

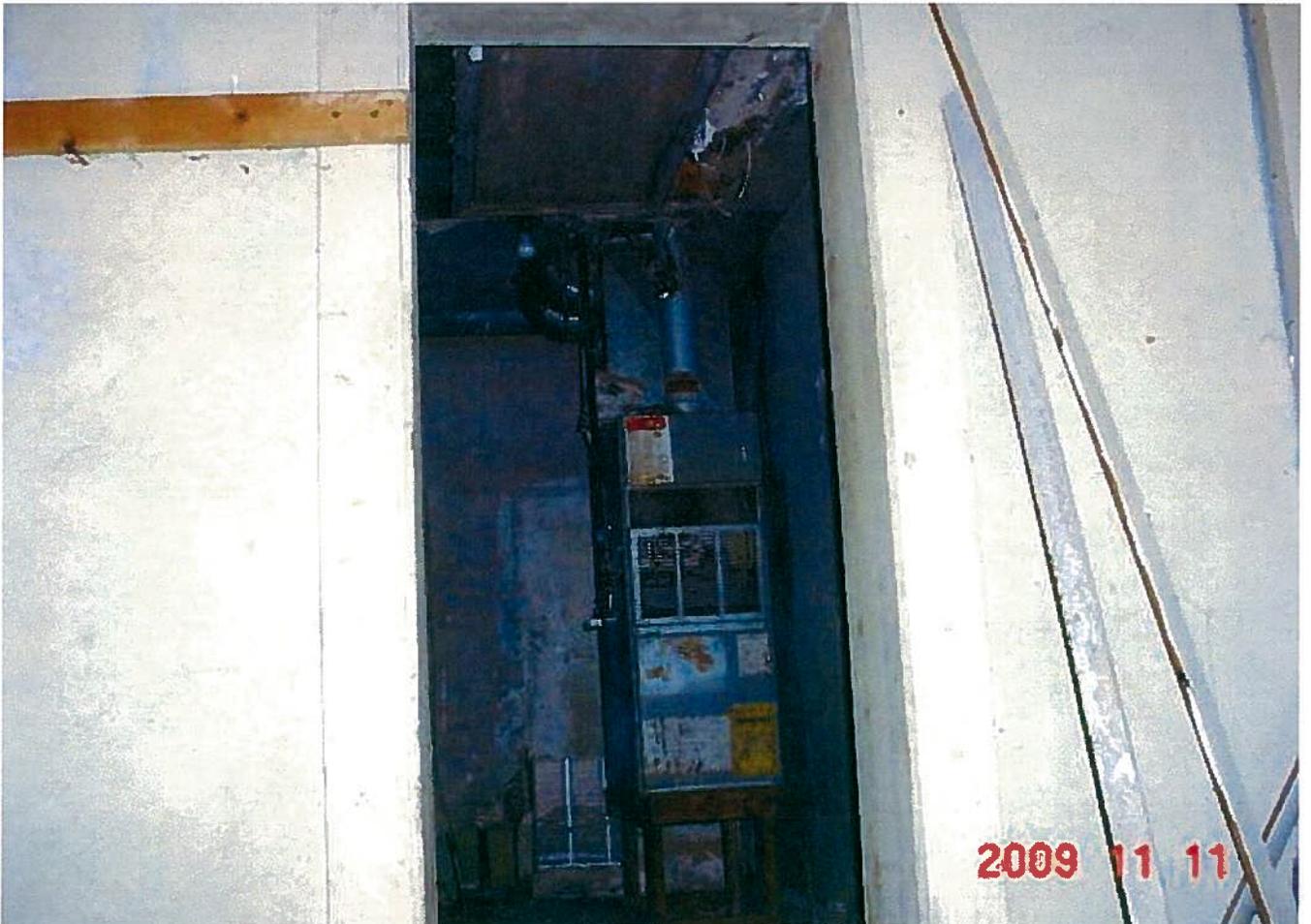
cc: Terry A. Novak, Deputy Director of Building Services
Vicki Georgeau, Deputy Director of Neighborhood Services

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TO: Construction Board of Appeals

FROM: Jeffrey M. Erickson, Director of Community Development

DATE: November 11, 2009

SUBJECT: Show Cause Hearing – 9017 Nougles Court

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

**STAFF
RECOM-
MENDATION:**

The severely fire damaged vacant house located at 9017 Nougles Court has not been made habitable or safe in accordance with the provisions of the Codified Ordinances of the City of Portage.

In compliance with the Unsafe Structure Ordinance, a September 25, 2009 unsafe structure notice was sent certified mail and posted on the vacant house advising that the property owner had 30-days to bring the house into compliance or further enforcement action would be pursued. A November 9, 2009 Show Cause Hearing notice was sent certified mail and posted on the site.

As background information, the house was extensively damaged as the result of a December 25, 2008 fire. Conversations with the property owner, Mr. Ronald French, have indicated that an insurance settlement was reached, however, Mr. French has failed to make the necessary repairs or remove the damaged house. As a result, the house continues to decline and create a negative impact on the adjacent properties. The fire-damaged condition of the house is severe and there is a lack of progress demonstrated by the property owner including the following significant conditions:

1. There is extensive interior fire, smoke and water damage to the house.
2. Portions of the ceilings and floors of the house have been removed.
3. The utilities for the house (gas, electrical, water, etc.) have been damaged and/or disconnected.

Staff recommends that the vacant house be razed within 30-days. Failure to comply with the order will result in the matter being referred to City Council with a recommendation that the structure be razed.

Attachments: Unsafe structure notification dated September 25, 2009.
Show Cause Hearing notification dated November 9, 2009.
Photographs of 9017 Nougles Court.

November 9, 2009

Sent Certified Mail and Posted on Site

Mr. Ronald French
12011 South 34th Street
Vicksburg, MI 49097

RE: Notice of Show Cause Hearing – 9017 Nougles Court

The severely fire damaged and vacant house located at 9017 Nougles Court has not been made safe in accordance with the provisions of the September 25, 2009 unsafe structure correspondence. The following defects, conditions and/or violations have not been properly addressed:

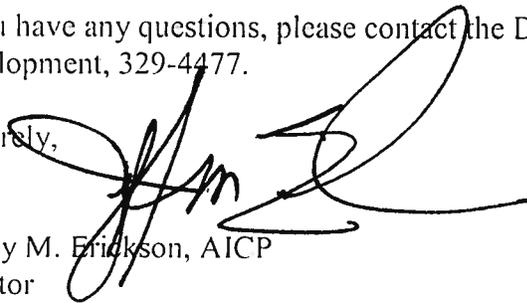
1. There is extensive interior fire, smoke and water damage to the house.
2. Portions of the ceilings and floors of the house have been removed.
3. The utilities for the house (gas, electrical, water, etc.) have been damaged and/or disconnected.

As a result of these continued violations, you are hereby notified that a hearing on the condition of the house will be held before the Construction Board of Appeals at 5:00 p.m. on November 30, 2009. The meeting will be held in Conference Room One of Portage City Hall, 7900 South Westnedge Avenue, Portage, Michigan. At this hearing, you will have the opportunity to show cause as to why the house should not be ordered demolished or otherwise made safe. The owner and any occupant of the house shall have the right at the hearing to cross-examine witnesses who testify against the owner's and/or occupant's interests and the right to produce witnesses on your own behalf, including the use of pictures, video tapes or other recording devices.

The decision of the Construction Board of Appeals may be appealed to City Council for review within ten (10) days after the decision of the Board and, after review by Council, may be appealed to the Kalamazoo County Circuit Court within twenty (20) days after the decision of the Council.

If you have any questions, please contact the Division of Building Services, Department of Development, 329-4477.

Sincerely,



Jeffrey M. Erickson, AICP
Director

cc: Terry A. Novak, Deputy Director of Building Services
Vicki Georgeau, Deputy Director of Neighborhood Services

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September 25, 2009

Sent Certified Mail and Posted on Site

Mr. Ronald French
12011 South 34th Street
Vicksburg, MI 49097

Dear Mr. French:

RE: Unsafe Structure - Notice to Owner/Occupant – 9017 Nougles Court

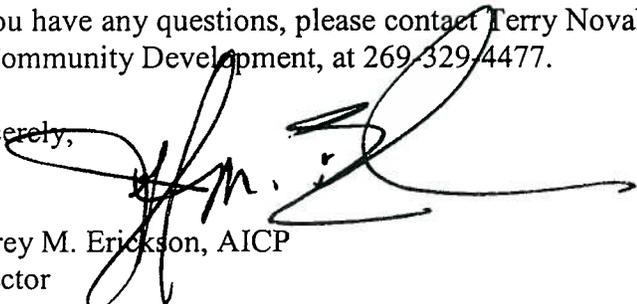
As you are aware, correspondence dated December 26, 2008 was sent to you by the Department of Community Development regarding the severely fire damaged house at 9017 Nougles Court for which you are the listed owner. The correspondence advised that the City of Portage property maintenance regulations require that properties be maintained/repared in the interests of the neighborhood and to protect the public health, safety and welfare. The letter further indicated that the condition of the fire damaged house is unsafe as defined in Section 42-1341 of the City of Portage Code of Ordinances and that corrective action need was to be taken by you so that further legal proceedings would not be necessary.

As information, a State Farm Insurance representative informed staff during the week of September 7, 2009 that the settlement claim for the house has been resolved. Several subsequent attempts to contact you via telephone messages to determine your projected course of action regarding repair or removal of the house have proved unsuccessful.

To ensure neighborhood public health and safety, immediate progress to repair or remove the fire damaged house within 30 days is required in order to avoid enforcement proceedings for the house as an unsafe structure.

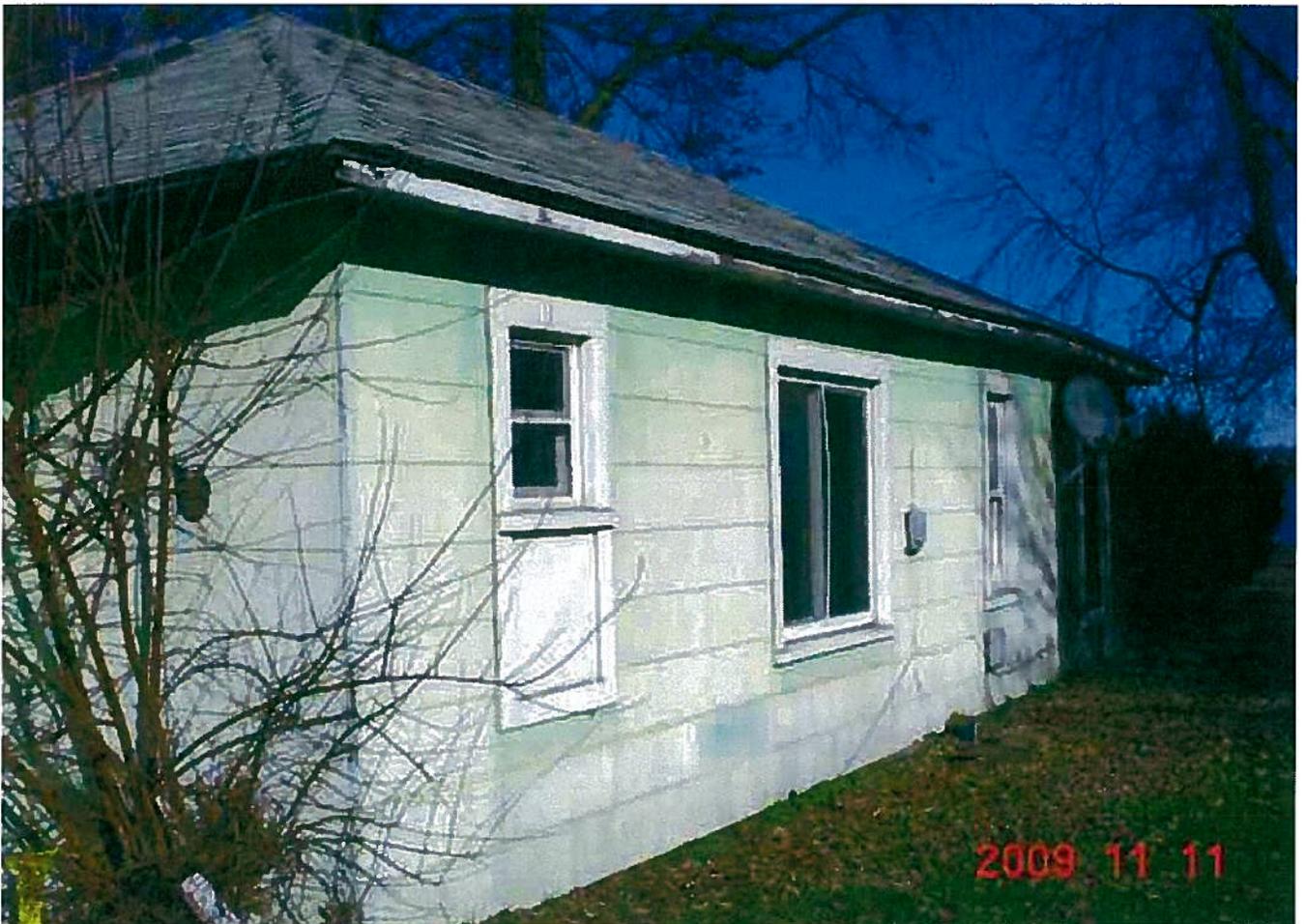
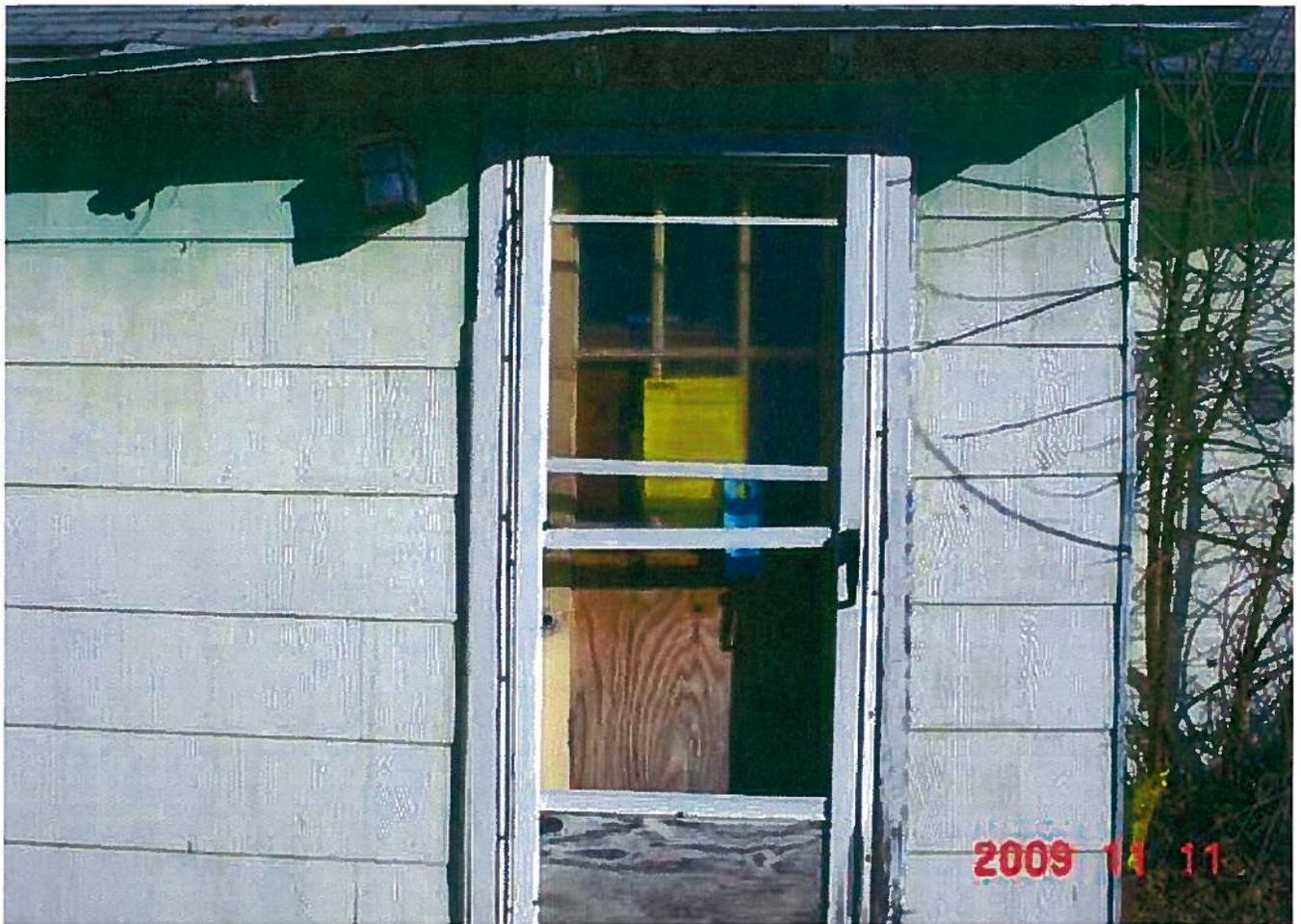
If you have any questions, please contact Terry Novak, Deputy Director of Building Services, Department of Community Development, at 269-329-4477.

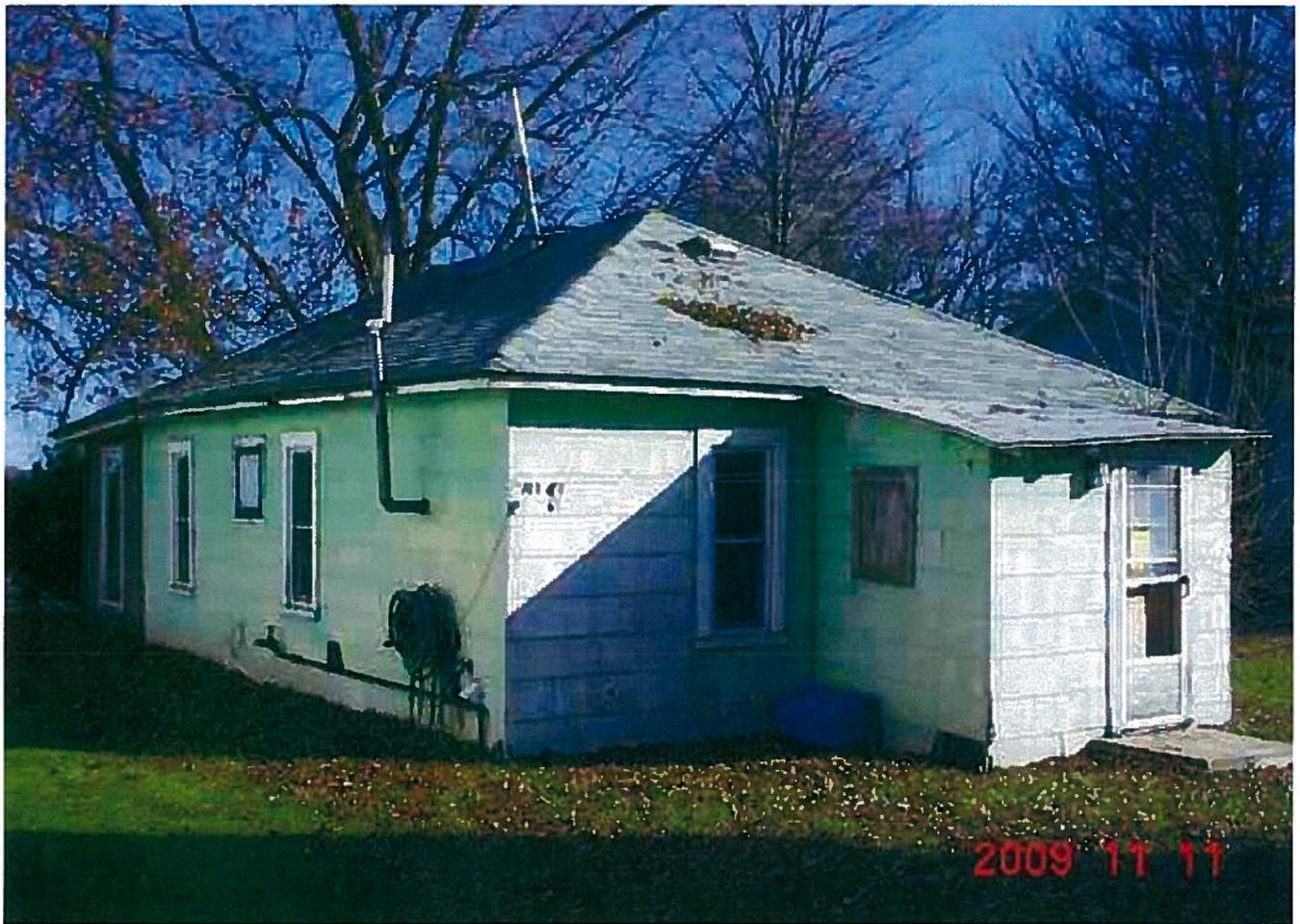
Sincerely,

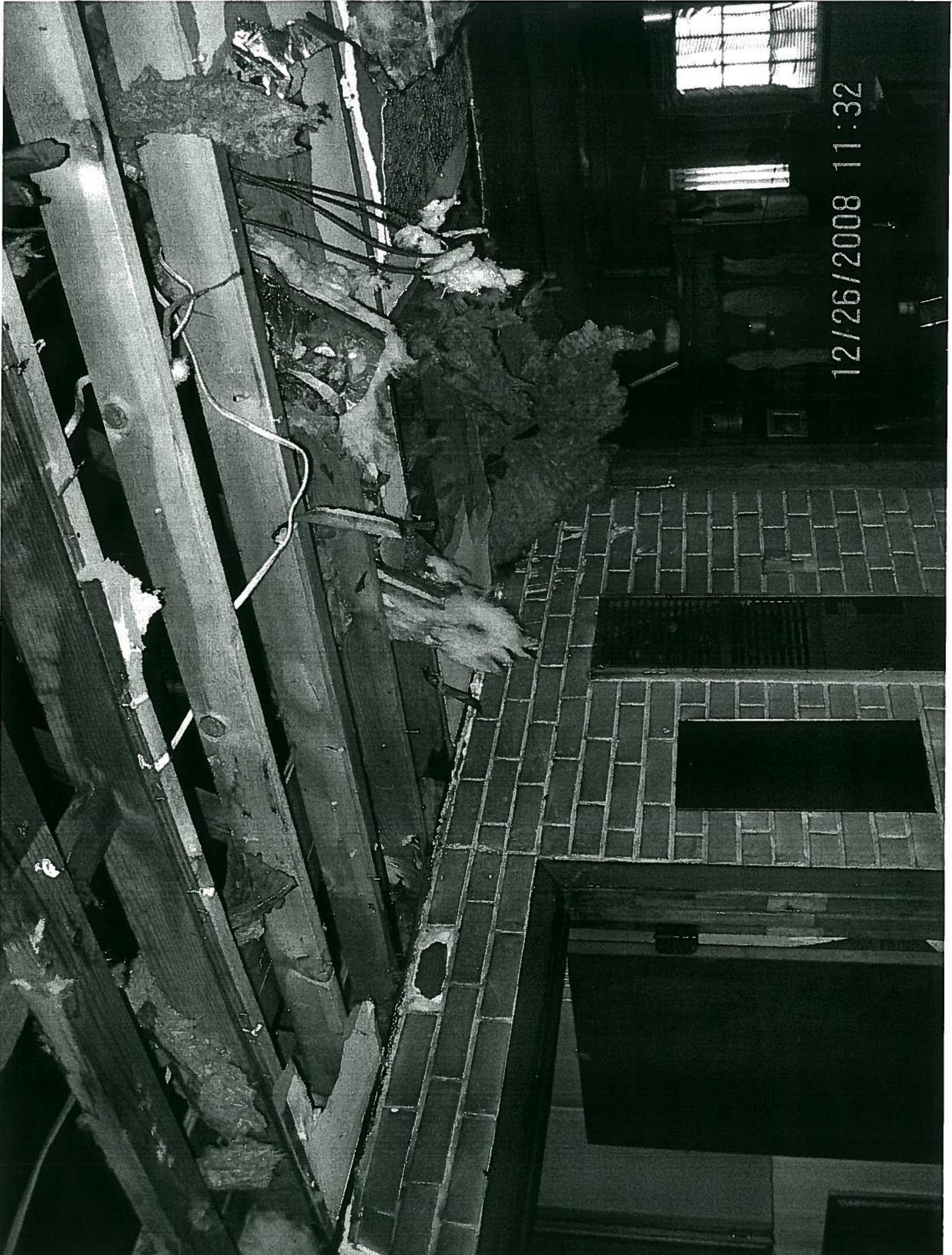

Jeffrey M. Erickson, AICP
Director

cc: Terry A. Novak, Deputy Director of Building Services
Vicki Georgeau, Deputy Director of Neighborhood Services

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12/26/2008 11:32



12/26/2008 11:31

