

CITY OF  
**PORTAGE**

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# CONSTRUCTION BOARD OF APPEALS

**April 12, 2010**

**CITY OF PORTAGE**  
**CONSTRUCTION BOARD OF APPEALS**

**A G E N D A**

**April 12, 2010**

The City of Portage Construction Board of Appeals will hold a meeting on April 12, 2010 at 5:00 p.m. in Conference Room One, Portage City Hall, 7900 South Westnedge Avenue.

**APPROVAL OF MINUTES:**

\*November 30, 2010

**OLD BUSINESS:**

None

**NEW BUSINESS:**

\*10323 Archwood Drive – Show Cause Hearing for vacant water damaged single-family house.

**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 – November 30, 2009

The City of Portage Construction Board of Appeals meeting of November 30, 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 Leach, William Koopsen, John Kounelis and Brett Grossman.

### MEMBERS ABSENT:

None

### MEMBERS EXCUSED:

None

### IN ATTENDANCE:

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

### APPROVAL OF MINUTES:

The minutes of May 21, 2009 were approved.

### BOARD ACTION:

#### 9017 Nougles Court – Show Cause Hearing for fire damaged single-family house.

Chairman Wilkinson commenced the Show Cause Hearing for the vacant house that was severely damaged by fire on December 25, 2008. The property owner, Mr. Ron French and his brother Mr. Lawrence French, were in attendance. Deputy Director Novak provided background information regarding the amount of time and lack of activity demonstrated by the property owner to repair or remove the fire-damaged house. Deputy Director Novak advised that the insurance company claim settlement for the damaged house had been paid. Mr. Ron French indicated to the Board that it was his intent to remove the house, however, believed that he had a longer period to complete the project. Deputy Director Novak advised the Board of the communications that had been provided to Mr. French. Building Inspector Mike Beery provided information to the Board regarding the condition of the house and the deficiencies associated with the structure. Deputy Director Novak informed the Board that complaints regarding the condition of the house had been received by the Department of Community Development. The Board discussed the lack of response from Mr. French to repair or remove the house and the need for progress.

A motion was made by Member Schmidt requiring that the house be razed by February 1, 2010. The accessory building located on the property was to be removed by May 1, 2010 unless a building permit to construct a new house on the property was issued or other code compliant action was taken such as selling the lot to the adjacent property owner. If the requirements are not met, the matter was to be transmitted to City Council with a recommendation that the structures be razed. Member Miller seconded the motion and it passed unanimously.

4130 Branch Avenue – Show Cause Hearing for vacant single-family house in disrepair.

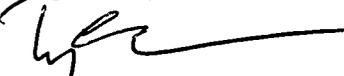
Chairman Wilkinson commenced the Show Cause Hearing for the vacant house located at 4130 Branch Avenue. The property owner Mr. Briant Kernell was in attendance. Deputy Director Novak provided an overview of the notifications and lack of response from Mr. Kernell in correcting the violations associated with the house. Deputy Director Novak informed the Board that complaints regarding the condition of the house and property had been received by the Department of Community Development. Building Inspector Mike Beery advised the Board of his inspection and the current condition of the house including the rear porch roof that was beginning to collapse. Mr. Kernell indicated to the Board that it was his original intention to repair and sell the house, however, problems with financing had stalled the project. Mr. Kernell indicated that he was now able to secure the funds necessary to repair the house and was ready to move forward with the project. The Board discussed the need for immediate correction and repair of the house.

A motion was made by Member Schmidt requiring that: The house be closed to casual entry by December 10, 2009; A permit be obtained and the rear porch be removed by January 1, 2010; Permits be obtained by January 1, 2010 to reestablish utilities for the house; and Permits be obtained by January 14, 2010 to complete the necessary repairs to make the house habitable. If the established requirements and dates are not met, the matter is to be transmitted to City Council with a recommendation that the house be razed. Member Leach seconded the motion and it passed unanimously.

ADJOURNMENT:

The Board meeting adjourned at 6:30 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:** March 29, 2010

**SUBJECT:** Show Cause Hearing – 10323 Archwood Drive

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

**RECOMMENDATION:** The vacant house located at 10323 Archwood Drive has not been made habitable or safe in accordance with the provisions of the Codified Ordinances of the City of Portage. As background, upon receipt of a complaint, Community Development staff observed water emanating from the second floor. With concern about energy hazards (natural gas and electricity) the Fire Department alerted Consumers Energy who then disconnected/removed the electrical meter deenergizing the structure.

In compliance with the Unsafe Structure Ordinance, a February 9, 2010 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 March 26, 2010 Show Cause Hearing notice was sent certified mail and posted on the site. In an effort to ensure that all parties with an interest in the property were alerted, certified notification was also sent to the local and national mortgage holder, Wells Fargo.

The interior condition of the house continues to deteriorate with no action taken by the property owner. The extensive water damage to the house will produce a hazardous mold contaminated environment as the weather warms. 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. Major water damage to the structure has occurred as the result of a malfunctioning and/or broken waterline located on the second floor of the house. Standing water (approximately 7-feet deep) was located in the basement of the house as the result of the water leak.
2. The electrical, plumbing and mechanical systems for the house are no longer functional as the result of the water damage (i.e., furnace, water heater, etc.).

Also, in regards to another significant issue, the structural integrity of the first and second floors of the house is likely to be compromised as a result of the water damage.

Staff recommends that the vacant house be demolished and removed from the site 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 February 9, 2010.  
Show Cause Hearing notification dated March 26, 2010.  
Photographs of 10323 Archwood Drive.

February 9, 2010

**Sent Certified Mail and Posted on Site**

Mr. George W. Clark VI  
2204 Prosperity Drive  
Portage, MI 49002

Dear Mr. Clark:

RE: Unsafe Structure - Notice to Owner/Occupant – 10323 Archwood Drive

According to records at City Hall, you are the owner and/or occupant of the property and the property improvements at 10323 Archwood Drive. Upon inspection of the property, the following defects, conditions and/or violations of Portage City Codes have been identified:

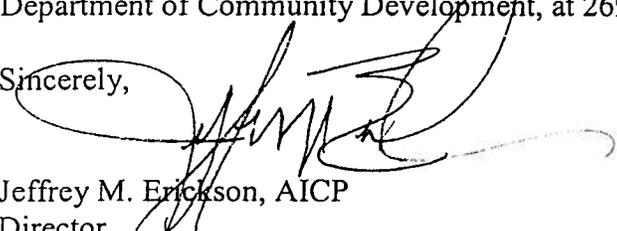
1. Major water damage to the structure has occurred as the result of a malfunctioning and/or broken waterline located on the second floor of the house. Standing water (approximately 7-feet deep) is located in the basement of the house.
2. The structural integrity of the first and second floor of the house is not known as a result of the water damage.
3. The electrical, plumbing and mechanical systems for the house are no longer functional as the result of the water damage (i.e., furnace, water heater, etc.).

Because of these significant violations/deficiencies and 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.

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

C. Wells Fargo Financial America, 6412 South Westnedge Avenue, Portage, MI 49002 (sent certified)  
Wells Fargo Financial, 800 Walnut Street, Des Moines, IA 50309 (sent certified)

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

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March 26, 2010

Sent Certified Mail and Posted on Site

Mr. George W. Clark VI  
2204 Prosperity Drive  
Portage, MI 49002

Dear Mr. Clark:

RE: Notice of Show Cause Hearing – 10323 Archwood Drive

The vacant house located at 10323 Archwood Drive 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 February 9, 2010 Unsafe Structure notice have not been properly addressed:

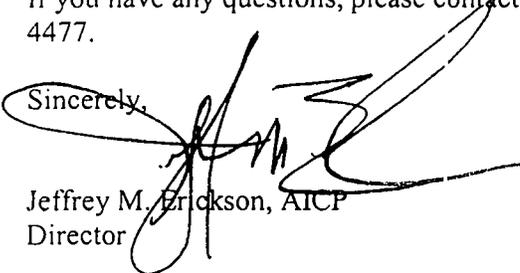
1. Major water damage to the structure has occurred as the result of a malfunctioning and/or broken waterline located on the second floor of the house. Standing water (approximately 7-feet deep) was located in the basement of the house as the result of the water leak.
2. The structural integrity of the first and second floors of the house is likely to be compromised as a result of the water damage.
3. The electrical, plumbing and mechanical systems for the house are no longer functional as the result of the water damage (i.e., furnace, water heater, etc.).

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 April 12, 2010. 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

- C. Wells Fargo Financial America, 6412 South Westnedge Avenue, Portage, MI 49002 (sent certified)  
Wells Fargo Financial, 800 Walnut Street, Des Moines, IA 50309 (sent certified)

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

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10325 Archwood









