



CONSTRUCTION BOARD OF APPEALS

June 27, 2013

CITY OF PORTAGE
CONSTRUCTION BOARD OF APPEALS

A G E N D A

June 27, 2013

The City of Portage Construction Board of Appeals will hold a meeting on June 27, 2013 at 5:00 PM in Conference Room One, Portage City Hall, 7900 South Westnedge Avenue.

APPROVAL OF MINUTES:

*July 30, 2012

OLD BUSINESS:

None

NEW BUSINESS:

*2918 West Milham Avenue – Show Cause Hearing for conditions within a single-family detached house.

*8833 Shaver Road – Show Cause Hearing for commercial building 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 – July 30, 2012

The City of Portage Construction Board of Appeals meeting of July 30, 2012 was called to order at 5:00 PM in Conference Room #1 of Portage City Hall, 7900 South Westnedge Avenue, Portage, Michigan.

MEMBERS PRESENT:

Carllyn Compton, Gary Gilchrist, William Koopsen, John Kounelis, William Leach, Lawrence Schmidt and George Theodoru

MEMBERS ABSENT:

None

MEMBERS EXCUSED:

None

IN ATTENDANCE:

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

APPROVAL OF MINUTES:

The minutes of November 28, 2011 were approved.

BOARD ACTION:

1518 East Centre Avenue – Show Cause Hearing for vacant pole barn:

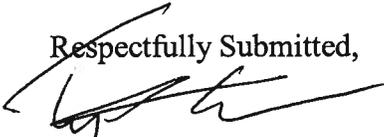
Chairman Schmidt presented the item to the Board. No representatives from Michigan Commerce Bank, owners of the property, were in attendance. Deputy Director Novak provided background information pertaining to the history of the site including the prior use as agriculture, the complaint received regarding roof panels detaching from the structure and blowing across East Centre Avenue and previous meetings and conversations with Michigan Commerce Bank regarding the matter. Building Inspector Beery gave an overview of the condition of the building and damaged caused to the structure due to the missing roof sections. Several of the Board members indicated that they had visited the site and noted the dilapidated condition of the unsecured building. Members of the Board also discussed the potential hazards associated with the loading dock at the site. A concern was raised by the Board regarding the recent sale of plants utilizing a cash drop box on the front portion of the property. Deputy Director Novak advised that this was not a permitted activity and that Community Development was following up on the matter.

After further discussion a motion was made by Member Miller that the pole barn, foundation and accessory loading dock on the property be demolished and removed, and the site restored within 30 days. If the owner fails to complete the demolition and site restoration, the matter is to be transmitted to City Council seeking authorization to raze and remove the structures and complete site restoration. Member Theodoru seconded the motion. Upon a roll call vote, the motion passed 6 – 1. Yeas: Members Compton, Gilchrist, Koopsen, Leach, Theodoru and Chairman Schmidt. No: Member Kounelis.

ADJOURNMENT:

The Board meeting adjourned at 5:40 PM

Respectfully Submitted,



Terry A. Novak,
Deputy Director of Building and Housing Services

TO: Construction Board of Appeals
FROM: Vicki Georgeau, ^{VA} Director of Community Development
DATE: June 20, 2013
SUBJECT: Show Cause Hearing – 2918 West Milham Avenue
CODE SECTION: Article 13, Section 42-1341 - Unsafe Structures, City of Portage Codified Ordinances

As background, on March 11, 2013 a severe hoarding situation was discovered by the Portage Public Safety Fire Division during a medical response to the single family house located at 2918 West Milham Avenue. Subsequently, a search warrant was obtained and executed by the Portage Public Safety Police Division that documented the unfit and unsanitary interior condition of the house. Community Development follow up on the matter revealed that the owner of the house had recently died (March 16, 2013) leaving her adult son to reside in the house. In compliance with the Unsafe Structure Ordinance, a March 25, 2013 Unsafe/Unfit Structure Notice was sent certified mail and posted on the house advising that the property owner had 30-days to bring the house into compliance or further enforcement action would be pursued. As additional information, Adult Protective Services was contacted along with other family members in an attempt to resolve the situation. Adult Protective Services provided three 40-yard dumpsters that were used by the occupant/owners to remove approximately 60 percent of the debris from the house. While initial progress to remove the debris was advantageous, Adult Protective Services funding has been exhausted and further cleanup of the house has stalled.

A June 12, 2013 Show Cause Hearing notice was sent certified mail and posted on the site. The house located at 2918 West Milham Avenue remains unsafe and does not meet the provisions of the Codified Ordinances of the City of Portage. The following items are in need of correction:

1. The house remains filled with rubbish and debris that severely restrict free passage throughout the dwelling and creates unsanitary living conditions. Emergency egress from the house, including the stairway, is severely impacted due to the debris. Trash and debris also exist on the exterior of the property.
2. Required service/safety clearances are not provided for the electrical panel, water heater or furnace. (A minimum 24–36-inch service clearance is required dependant upon the model of the units.) The material surrounding the equipment is combustible and presents a fire danger. Because of the amount of debris throughout the dwelling it cannot be determined if the heating, plumbing and other essential utilities for the house are functioning correctly.
3. It is believed that the house may be infested with bugs (bedbugs, lice, etc.).

Staff recommends that the property owner be provided 30-days to remove all debris from the house and property exterior and if necessary, treated for infestation. Failure to comply with the order will result in the matter being referred to City Council with a recommendation that the city be authorized to remove and discard all rubbish and debris from the interior of the house and property exterior. Any and all costs incurred for such action shall be due and payable as permitted in the City of Portage Unsafe Structure Ordinance.

Attachments: Unsafe Structure notification dated March 25, 2013.
Show Cause Hearing notification dated June 12, 2013.
Photographs of 2918 West Milham Avenue.

March 25, 2013

Sent Certified Mail and Posted on Site

Janet K Vos
2918 West Milham Avenue
Portage, MI 49024

Doug Vos
2918 West Milham Avenue
Portage, MI 49024

Judith Sabo
707 Stockbridge, Apt. 2
Kalamazoo, MI 49001

Denise Newberry
11850 M-33
Atlanta, MI 49709

Dear Ms. Janet Vos, Mr. Doug Vos, Ms. Judith Sabo and Ms. Denise Newberry:

RE: Unsafe/Unfit Structure - Notice to Owners/Occupants – 2918 West Milham Avenue

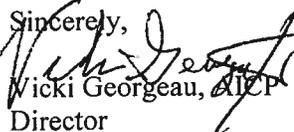
The City of Portage property maintenance regulations require that buildings and properties be maintained and repaired in the interests of protecting the health, safety and welfare of the occupants of the building and surrounding neighborhood. The current condition of the house at 2918 West Milham Avenue is unsafe and unfit for human occupancy as defined in Section 42-1341 of the City of Portage Code of Ordinances. A recent inspection of the house and property determined that the following items were in need of correction:

1. The house is filled with rubbish and debris that severely restrict free passage throughout the dwelling and also creates unsanitary living conditions. Emergency egress from the house, including the stairway, is severely impacted due to the debris. Trash and debris also exist on the exterior of the property.
2. Required service/safety clearances are not provided for the electrical panel, water heater or furnace. (A minimum 24–36-inch service clearance is required dependant upon the model of the units.) The material surrounding the equipment is combustible and presents a fire danger. Because of the amount of debris throughout the dwelling it cannot be determined if the heating, plumbing and other essential utilities for the house are functioning correctly.
3. It is believed that the house may be infested with bugs (bedbugs, lice, etc.).

Your effort to have the above listed violations corrected within thirty (30) days from the date of receipt of this notice is necessary to avoid enforcement action. If corrective action is not initiated, the matter will be scheduled before the Construction Board of Appeals seeking an abatement and/or demolition order. The costs of the abatement or demolition order shall be due and payable by the property owner or as a lien placed against the property.

It is recognized that assistance may be necessary to correct these violations. You are encouraged to remain in contact with Ms. Christina Tafoya, Adult Protective Services at 269-870-6849 for support and other help that may be available. In addition, you may also wish to contact Housing Resources, Inc. at 382-0287, which may be able to assist with identifying affordable housing options for the occupant(s) of the dwelling.

If you have any questions or need further information, please contact the Department of Community Development at 269-329-4466.

Sincerely,

Wicki Georgeau, ALCP
Director

C. Robert Peck, Director Adult Protective Services, 322 East Stockbridge Avenue, Kalamazoo, MI 49001
Christina Tafoya, Adult Protective Services, 322 East Stockbridge Avenue, Kalamazoo, MI 49001
Etc.. Kyle Doster, Portage Police Department
Terry Novak, Deputy Director of Building and Housing Services



Department of Community Development

June 12, 2013

Sent Certified Mail Return Receipt and Posted on Site

Janet K Vos
2918 West Milham Avenue
Portage, MI 49024

Doug Vos
2918 West Milham Avenue
Portage, MI 49024

Judith Sabo
707 Stockbridge, Apt. 2
Kalamazoo, MI 49001

Denise Newberry
11850 M-33
Atlanta, MI 49709

Dear Ms. Janet Vos, Mr. Doug Vos, Ms. Judith Sabo and Ms. Denise Newberry:

RE: Notice of Show Cause Hearing – 2918 West Milham Avenue

The house located at 2918 West Milham 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 March 25, 2013 Unsafe/Unfit Structure notice have not been properly addressed:

1. While some progress has been made, significant rubbish and debris remains in the house, which severely restricts free passage throughout the dwelling and also creates unsanitary living conditions. Emergency egress from the house, including the stairway, is severely impacted due to the debris. Trash and debris also exist on the exterior of the property.
2. Required service/safety access and clearances are not provided for the electrical panel, water heater or furnace. (A minimum 24–36-inch service clearance is required dependant upon the model of the units.) The material surrounding the equipment is combustible and presents a fire danger. Because of the amount of debris throughout the dwelling it cannot be determined if the heating, plumbing and other essential utilities for the house are functioning correctly.
3. It is believed that the house may be infested with bugs (bedbugs, lice, 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 June 27, 2013. 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, properly maintained or otherwise made safe. The owner(s) and any occupant(s) of the house shall have the right at the hearing to cross-examine witnesses who testify against the owners' and/or occupants' 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 and Housing Services, Department of Community Development, 329-4477.

Sincerely,

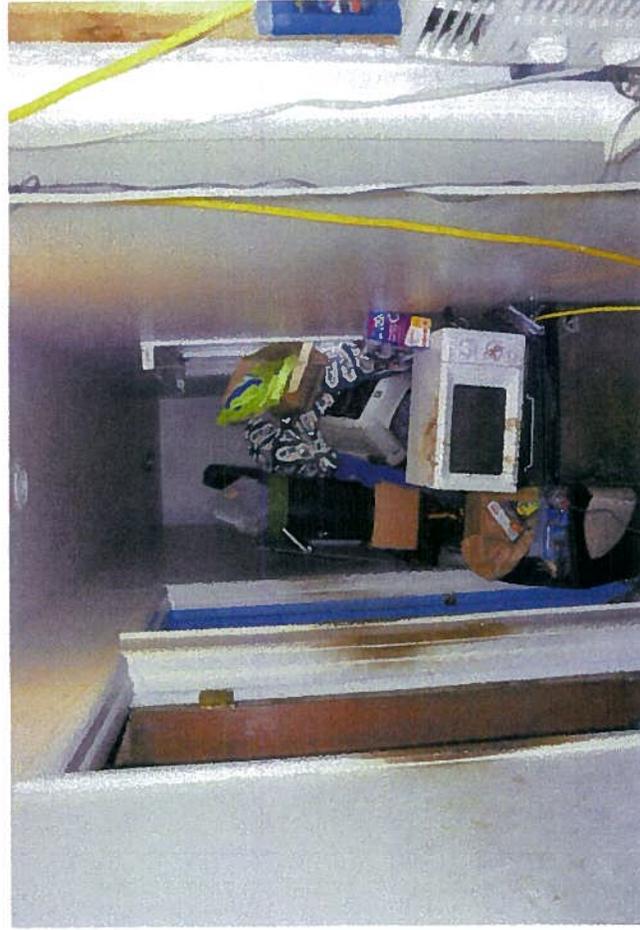
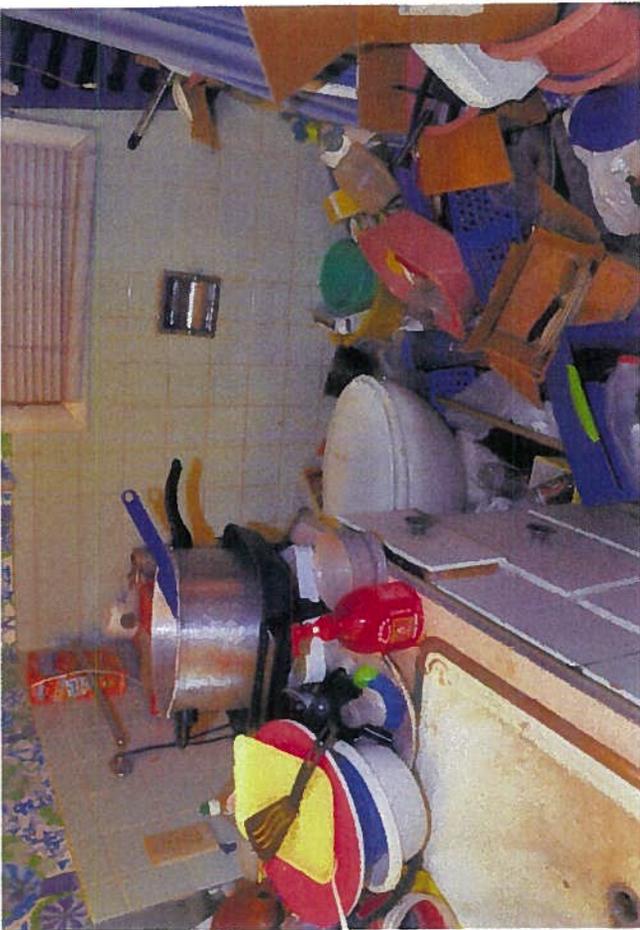
Vicki Georgeau, AICP
Director

cc: Terry A. Novak, Deputy Director of Building Services
Christopher Forth, Deputy Director of Planning, Development and Neighborhood Services
Jeff Mais, Zoning and Code Administrator

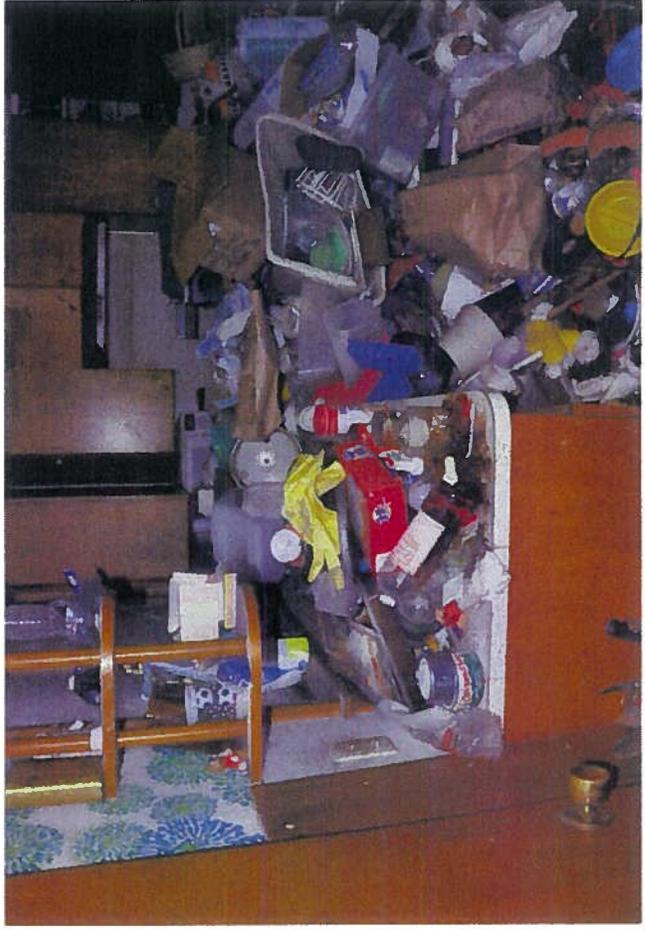
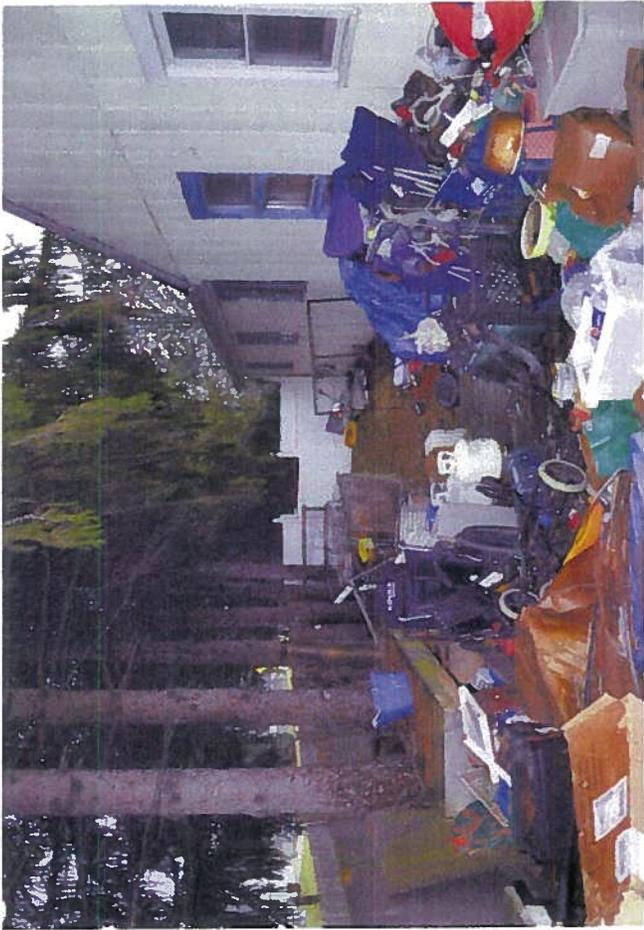
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7900 South Westnedge Avenue ♦ Portage, Michigan 49002 ♦ (269) 329-4477

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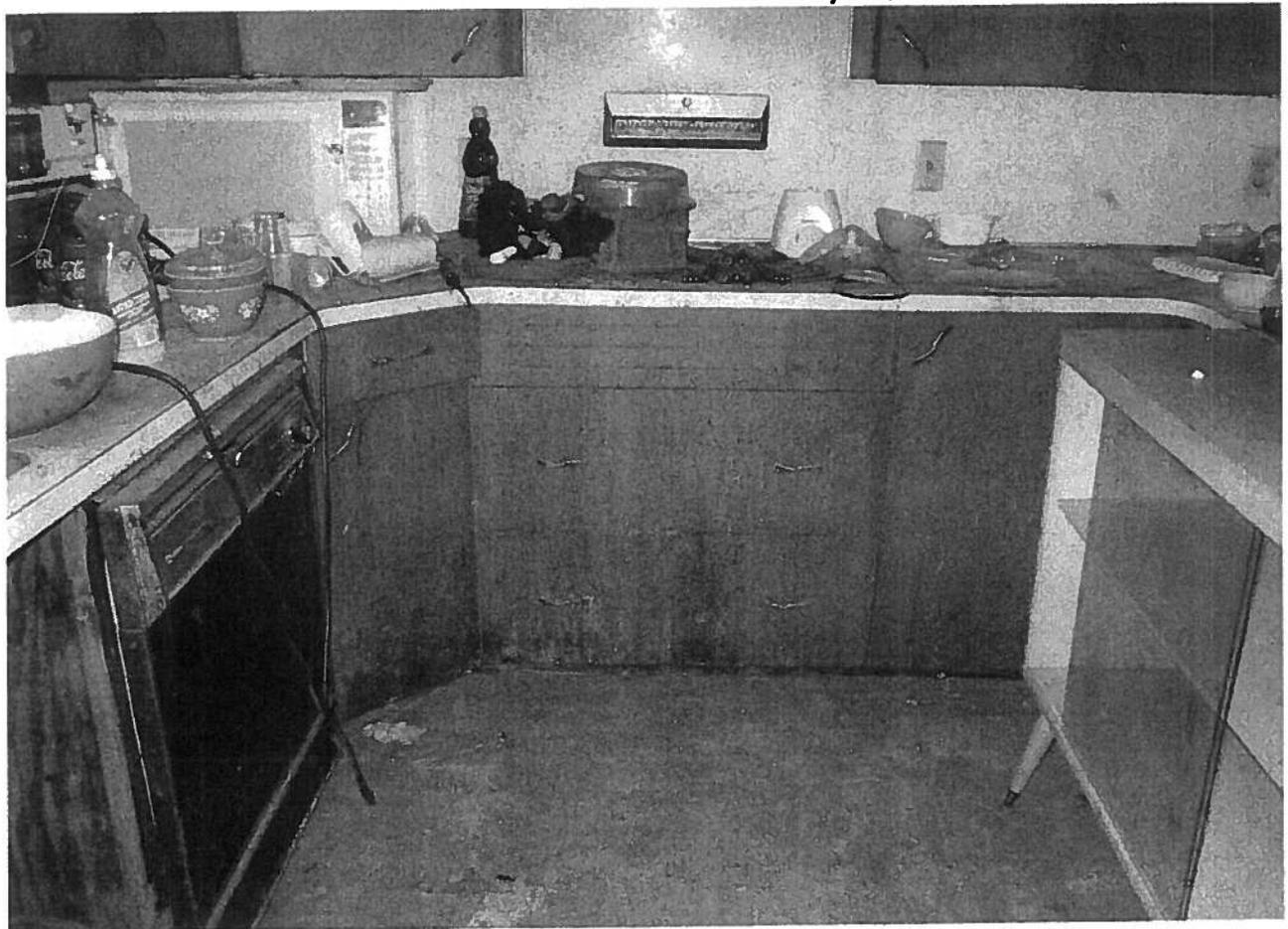
2918 West Milham Ave
March 11, 2013



2918 West Milham Ave
March 11, 2013



2918 W Milham Avenue May 29, 2013





2918 W Milham Avenue May 29, 2013





2918 W Milham Avenue May 29, 2013





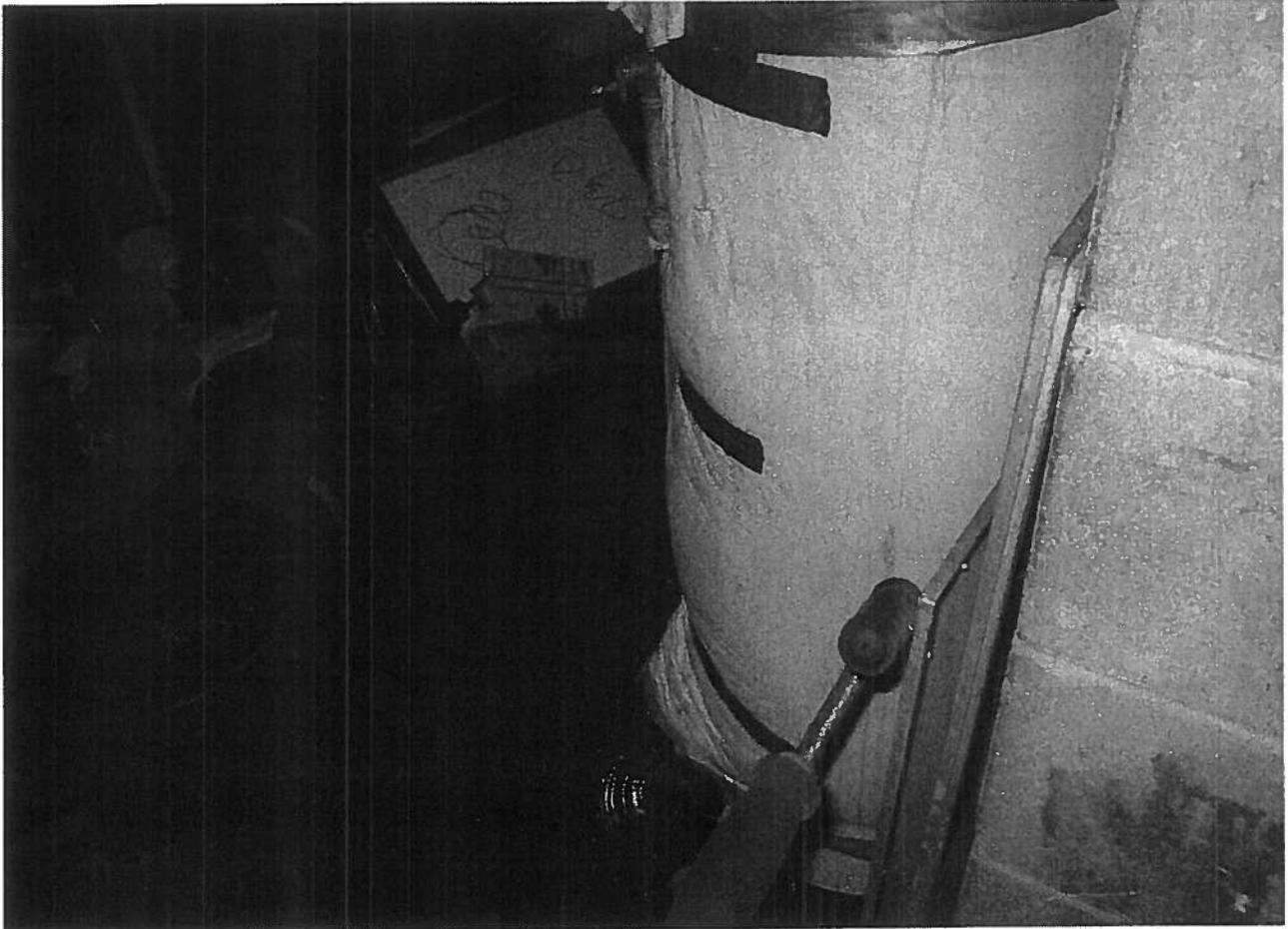
2918 W Milham Avenue May 29, 2013



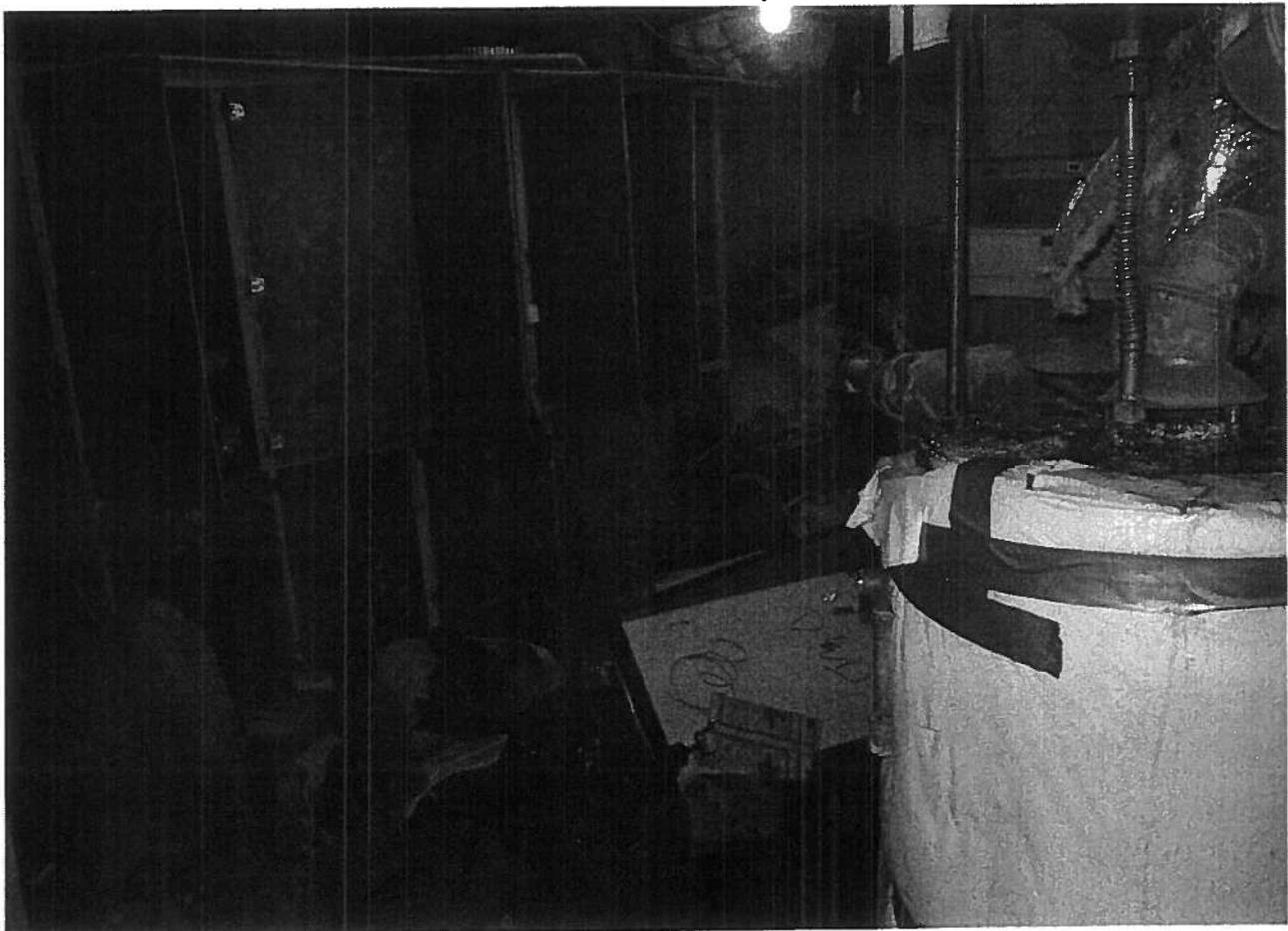


2918 W Milham Avenue May 29, 2013





2918 W Milham Avenue May 29, 2013





2918 W Milham Avenue May 29, 2013





2918 W Milham Avenue May 29, 2013



TO: Construction Board of Appeals
FROM: Vicki Georgeau ^{VG} Director of Community Development
DATE: June 20, 2013
SUBJECT: Show Cause Hearing – 8833 Shaver Road
CODE SECTION: Article 13, Section 42-1341 - Unsafe Structures, City of Portage Codified Ordinances

The poorly maintained condition of the building at 8833 Shaver Road, occupied by Kalamazoo Screw Products, was discovered during an annual inspection by the Portage Public Safety Fire Division in November 2012. Initial action was taken by the property owner in December 2012 when an electrical contractor was hired to make modifications and repairs to a portion of the building's electrical system. However, the condition of the building has continued to deteriorate with a severely leaking roof, and the electrical repairs for the building have not been completed. In compliance with the Unsafe Structure Ordinance, a May 2, 2013 Unsafe/Unfit Structure Notice was sent certified mail and posted on the building advising that the property owner had 30-days to bring the building into compliance or further enforcement action would be pursued. Community Development staff has met with the building owner who has expressed a desire to complete the necessary repairs.

However, sufficient progress has not been demonstrated, and a June 12, 2013 Show Cause Hearing notice was sent certified mail and posted on the site. The building located at 8833 Shaver Road has not been made safe in accordance with the provisions of the Codified Ordinances of the City of Portage. Although progress by the owner has been demonstrated with regard to limited electrical repairs and removal of some debris from the building and property exterior, the following conditions still remain:

1. The roof for the building has failed in several locations and is allowing water/weather to enter. As a result, portions of the ceiling have fallen and the water intrusion has created a dangerous condition for the electrical wiring and machinery located in the building. Portions of the roof support structure show signs of rusting from the water that weaken the roof's ability to support standing water or snow loads.
2. Some of the concrete block walls supporting the roof bar joists for the building are showing signs of separation in the joints that may be due to an unstable foundation.
3. Several areas of the electrical wiring and equipment have corroded and/or are in disrepair.
4. Emergency lighting and exit signs for the building are not operational.
5. The storage of hazardous combustible liquids and gases is not in compliance with the Fire Code.
6. Several of the windows in the building are damaged or missing.
7. The mechanical system for the building is not operational.
8. Debris and rubbish are scattered around the building and property exterior and need to be removed.

Staff recommends that the property owner be provided 30-days to have the roof and walls of the building repaired to eliminate the water/weather infiltration into the building (items 1 and 2 above). Once the building's roof and walls are repaired, an additional 30-day correction period is recommended to correct the remaining items (items 3 - 8 above). Failure to comply with the order will result in the building being posted as unsafe with occupancy of the building being prohibited.

Attachments: Unsafe Structure notification dated May 2, 2013.
Show Cause Hearing notification dated June 12, 2013.
Photographs of 8833 Shaver Road.



Department of Community Development

May 2, 2013

Sent Certified Mail and Posted on Site

Evan Eichhorn and Lisa Calhoun
8833 Shaver Road
Portage, MI 49024

Dear Mr. Evan Eichhorn and Ms. Lisa Calhoun:

RE: Unsafe Structure - Notice to Owner/Occupant – 8833 Shaver Road

The City of Portage property maintenance regulations require that properties be maintained/repared in the interests of public health, safety and welfare. Please be advised that the current condition of the building you own at 8833 Shaver Road is unsafe as defined in Section 42-1341 of the City of Portage Code of Ordinances. In an effort to work with you last fall, Community Development staff and the Fire Marshal discussed the necessary repairs needed for the building (see attached November 2, 2012 letter from Fire Marshall Moore). Unfortunately, progress to complete the repairs has been limited. The deterioration of the building is continuing resulting in the need for prompt action for life-safety purposes. During a recent inspection of the building on April 25, 2013, the following code deficiencies/violations were noted:

1. The roof for the building has failed in several locations and is allowing water/weather to enter. As a result, portions of the ceiling have fallen and the water intrusion has created a dangerous condition for the electrical wiring and machinery located in the building. Portions of the roof support structure show signs of rusting from the water that weaken the roof's ability to support standing water or snow loads.
2. Some of the concrete block walls supporting the roof bar joists for the building are showing signs of separation in the joints that may be due to an unstable foundation.
3. Several areas of the electrical wiring and equipment have corroded and/or are in disrepair.
4. Emergency egress paths and exits for the building are blocked. Emergency lighting and exit signs for the building are not operational.
5. The storage of hazardous combustible liquids and gases is not in compliance with the Fire Code.
6. Several of the windows in the building are damaged or missing.
7. The mechanical system for the building is not operational.
8. During the inspection it was observed that someone was living in the building. Last fall you were advised by staff that this was not a permitted activity and the person was evicted. Immediate action is again necessary to have this situation corrected and the person removed.
9. Debris and rubbish are scattered around the building and need to be removed.

Your effort to initiate corrective action to have the above listed items corrected or the building removed within thirty (30) days from the date of receipt of this notice is requested in an effort to avoid enforcement action, including a Show Cause Hearing before the Construction Board of Appeals to have the building razed.

If you have any questions or wish to schedule a meeting to discuss this matter, please contact the Department of Community Development at 269-329-4466.

Sincerely,


Vicki Georgeau, AICP
Director

cc: Terry A. Novak, Deputy Director of Building and Housing Services
Larry Moore, Fire Marshall

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Department of Community Development

June 12, 2013

Sent Certified Mail Return Receipt and Posted on Site

Evan Eichhorn and Lisa Calhoun
8833 Shaver Road
Portage, MI 49024

Dear Mr. Evan Eichhorn and Ms. Lisa Calhoun:

RE: Notice of Show Cause Hearing – 8833 Shaver Road

The building located at 8833 Shaver Road 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 May 2, 2013 Unsafe Structure notice have not been properly addressed:

1. The roof for the building has failed in several locations and is allowing water/weather to enter. As a result, portions of the ceiling have fallen and the water intrusion has created a dangerous condition for the electrical wiring and machinery located in the building. Portions of the roof support structure show signs of rusting from the water that weaken the roof's ability to support standing water or snow loads.
2. Some of the concrete block walls supporting the roof bar joists for the building are showing signs of separation in the joints that may be due to an unstable foundation.
3. Several areas of the electrical wiring and equipment have corroded and/or are in disrepair.
4. Emergency egress paths and exits for the building are blocked. Emergency lighting and exit signs for the building are not operational.
5. The storage of hazardous combustible liquids and gases is not in compliance with the Fire Code.
6. Several of the windows in the building are damaged or missing.
7. The mechanical system for the building is not operational.
8. Debris and rubbish are scattered around the building and need to be removed.

As a result of these continued violations, you are hereby notified that a hearing on the condition of the building will be held before the Construction Board of Appeals at 5:00 p.m. on June 27, 2013. 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 building should not be ordered demolished, properly maintained or otherwise made safe. The owner(s) and any occupant(s) of the building shall have the right at the hearing to cross-examine witnesses who testify against the owners' and/or occupants' 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 and Housing Services, Department of Community Development, 329-4477.

Sincerely,

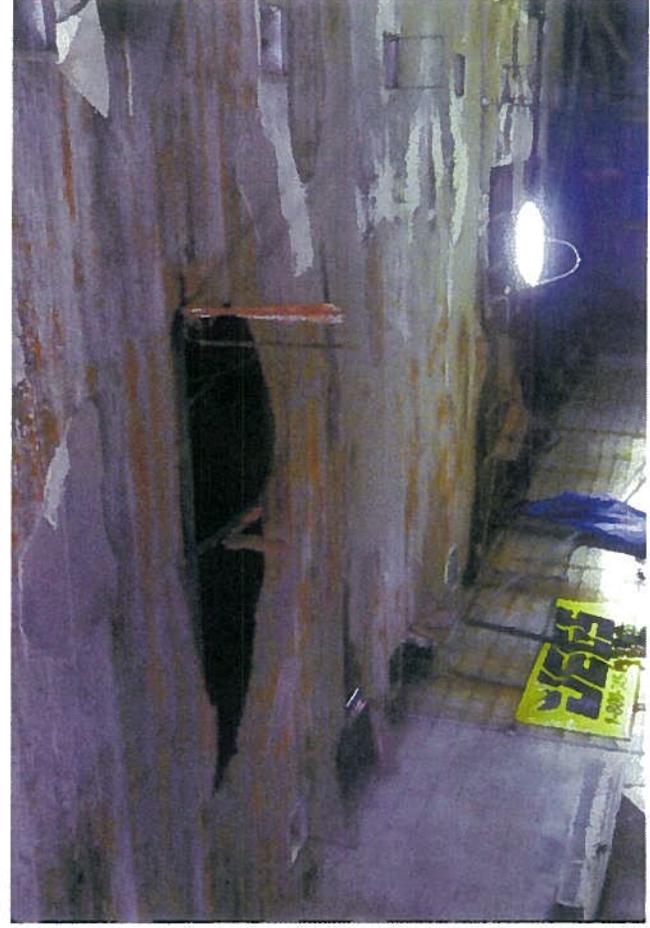
Vicki Georgeau, AICP
Director

cc: John Podgorski, Senior Deputy Fire Chief
Terry A. Novak, Deputy Director of Building Services
Larry Moore, Fire Marshal

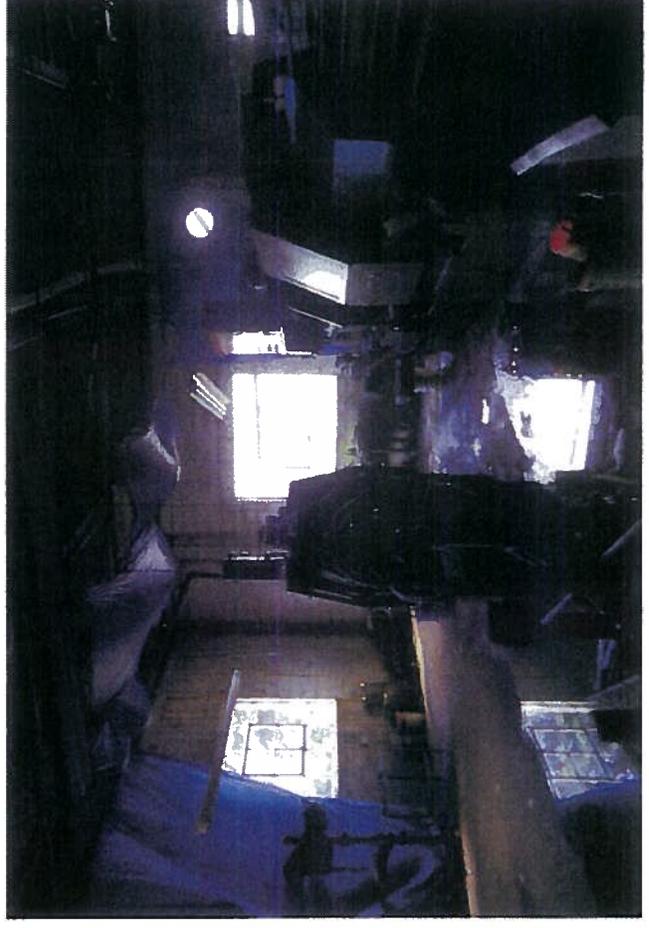
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7900 South Westnedge Avenue ♦ Portage, Michigan 49002 ♦ (269) 329-4477

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8833 Shaver Road
April 25, 2013



8833 Shaver Road
April 25, 2013