



# CONSTRUCTION BOARD OF APPEALS

**August 29, 2013**

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

**A G E N D A**

**August 29, 2013**

The City of Portage Construction Board of Appeals will hold a meeting on August 29, 2013 at 5:00 PM in Conference Room One, Portage City Hall, 7900 South Westnedge Avenue.

**APPROVAL OF MINUTES:**

\*June 27, 2013

**OLD BUSINESS:**

None

**NEW BUSINESS:**

\*5527 Meredith Street – Show Cause Hearing for conditions within a single-family detached 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 – June 27, 2013

The City of Portage Construction Board of Appeals meeting of June 27, 2013 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 Leach, Barney Martlew, Lawrence Schmidt and George Theodoru

MEMBERS ABSENT:

None

MEMBERS EXCUSED:

John Kounelis

IN ATTENDANCE:

Terry Novak, Deputy Director of Building and Housing Services, Mike Beery, Building Inspector and Jeff Mais, Zoning and Codes Administrator

APPROVAL OF MINUTES:

The minutes of July 30, 2012 were approved.

BOARD ACTION:

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

Deputy Director Novak provided an overview of the condition of the house and the history of events that have occurred since March 2013. Deputy Director Novak advised that the owner of the house, Janet Vos, was deceased and that her daughter, Ms. Judith Sabo was in attendance as a representative of the property. Ms. Sabo provided information to the Board regarding the financial difficulties she had experienced in removing the debris from the house. Deputy Novak indicated to the Board that Adult Protective Services was also involved in the matter and had provided three 40-yard dumpsters for debris removal, however, could no longer provide financial assistance for additional dumpsters. Ms. Sabo indicated that she had discovered a company that would provide a dumpster at a reduced price and that she anticipated being able to pay for the dumpster service by the second week of July. Zoning and Codes Administrator Jeff Mais indicated that he had inspected the property and it was his estimation that approximately 60 percent of the debris had been removed. Mr. Mais added that during the time the dumpsters were available, significant progress was demonstrated in cleaning the property.

Member Leach inquired if anyone was currently living in the house. Ms. Sabo indicated that her brother had lived with their mom in the house his entire life and was continuing to stay there. Ms. Sabo added that her brother now recognized the “hoarding” situation that occurred and was actively helping to remove the material. The Board discussed several items pertaining to the house including; the need for the situation to be corrected as soon as possible, related dangers of living in the conditions of the house, and potential funding and assistance resources that Ms. Sabo may wish to pursue. The Board also advised Ms. Sabo that if the matter was not resolved, it could be transmitted to City Council seeking authority for the City Administration to have the work completed with the associated costs charged to the property owner. If the costs were not paid, a lien would be placed on the property. Ms. Sabo indicated that she understood the process and that in the long run, it may be what is needed. However, she would like 30 days to try and correct the matter.

A motion was made by Member Leach and seconded by Member Compton that the property owner be provided 30-days to remove all debris from the house and property exterior and if necessary, the house be treated for infestation. At the conclusion of the 30-day period, staff be permitted to perform an inspection to determine compliance with the order and also to review the electrical, plumbing and mechanical systems of the house. 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 are to be collected as permitted in the City of Portage Unsafe Structure Ordinance. The motion passed unanimously.

8833 Shaver Road – Show Cause Hearing, commercial building in disrepair.

Deputy Director Novak provided information to the Board regarding the history associated with the building since November 2012. Mr. Evan Eichhorn, property owner was in attendance representing the property. Deputy Novak advised the Board of the concern related to the condition of the building and highlighted several areas in need of attention. Building Inspector Mike Beery provided information to the Board based on his meetings with Mr. Eichhorn and inspections he had completed on the building with Fire Marshal Larry Moore and Electrical Inspector Ron Deering. Inspector Beery detailed the severe roof leak and damage he observed to the steel truss system located in the center of the south portion of the building. Inspector Beery emphasized the danger of the water intrusion into the building and associated electrical system. Inspector Beery also provided information to the Board regarding cracks he observed in the block walls. Deputy Director Novak advised the Board that the building consisted of three sections: Two large sections located on the east side of the building that comprised the manufacturing portion of the facility and a smaller office area located in the west portion of the building. Deputy Director Novak advised that the electrical system had been disconnected/removed from the south portion of the manufacturing area for safety reasons and that an electrical permit had been obtained in December 2012 to correct the electrical components in the office portion of the building. The proposed electrical work in the office area, however, had not been completed. The concern was for the electrical components located in the north manufacturing portion and office area of the building and the water infiltration. Deputy Director Novak indicated that substantial progress had been demonstrated in removing some of the debris out of the building and clearing exit paths, however, the primary safety matter regarding the continued water leakage of the roof and dangerous conditions it presented remained. Mr. Eichhorn advised that he had been working with a roofing contractor and was making arrangements to have the roof completely replaced by the end of September. Mr. Eichhorn advised that he realized how important it was to have the roof corrected, however, wished to do it right. He added that in approximately 2 - 3 weeks he would have the funds available to begin the work and

that it would be completed as soon as funds allowed. The Board discussed several items including; if it would be possible to section the roof work so that it was completed first in areas that are occupied, if the roof underlayment was in good shape, if the condition of the rusted steel trusses was acceptable, etc. Mr. Eichhorn advised that he believed only a few locations of the roof may need the underlayment replaced and that those areas would be corrected as they were discovered. Mr. Eichhorn further indicated that the plan was to work across the entire portion of the building (north to south) when installing the new roof. He added that he did not believe it to be the best practice to divide the roof into sections when installing the new material. Members of the Board indicated that replacing the roof in sections would not be out of common practice, noted the dangers associated with water leakage and electrical equipment, and their concern with installing a new roof over rusted steel trusses.

A motion was made by Member Martlew and seconded by Member Gilchrist that:

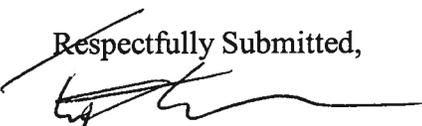
1. All items contained in the May 2, 2013 Unsafe Structure notification be completed by September 30, 2013.
2. That a notice of commencement be provided to the Department of Community Development from a licensed roofing contractor by August 1, 2013.
3. That an inspection of the north portion of the building's roof and electrical system be requested and performed by September 1, 2013.
4. That a professional engineer review and confirm in writing that the steel roof trusses located in the center of the south half of the building are structurally sound and code compliant before any roof work is completed in that area.
5. That if the owner should fail to comply with the order, the building is to be posted as unsafe with occupancy prohibited.

The motion passed unanimously.

ADJOURNMENT:

The Board meeting adjourned at 7:50 PM

Respectfully Submitted,



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

**TO:** Construction Board of Appeals

**FROM:** Vicki Georgeau, <sup>VG</sup> Director of Community Development

**DATE:** August 23, 2013

**SUBJECT:** Show Cause Hearing – 5527 Meredith Street

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

The severely fire damaged house located at 5527 Meredith Street 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 June 18, 2013 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.

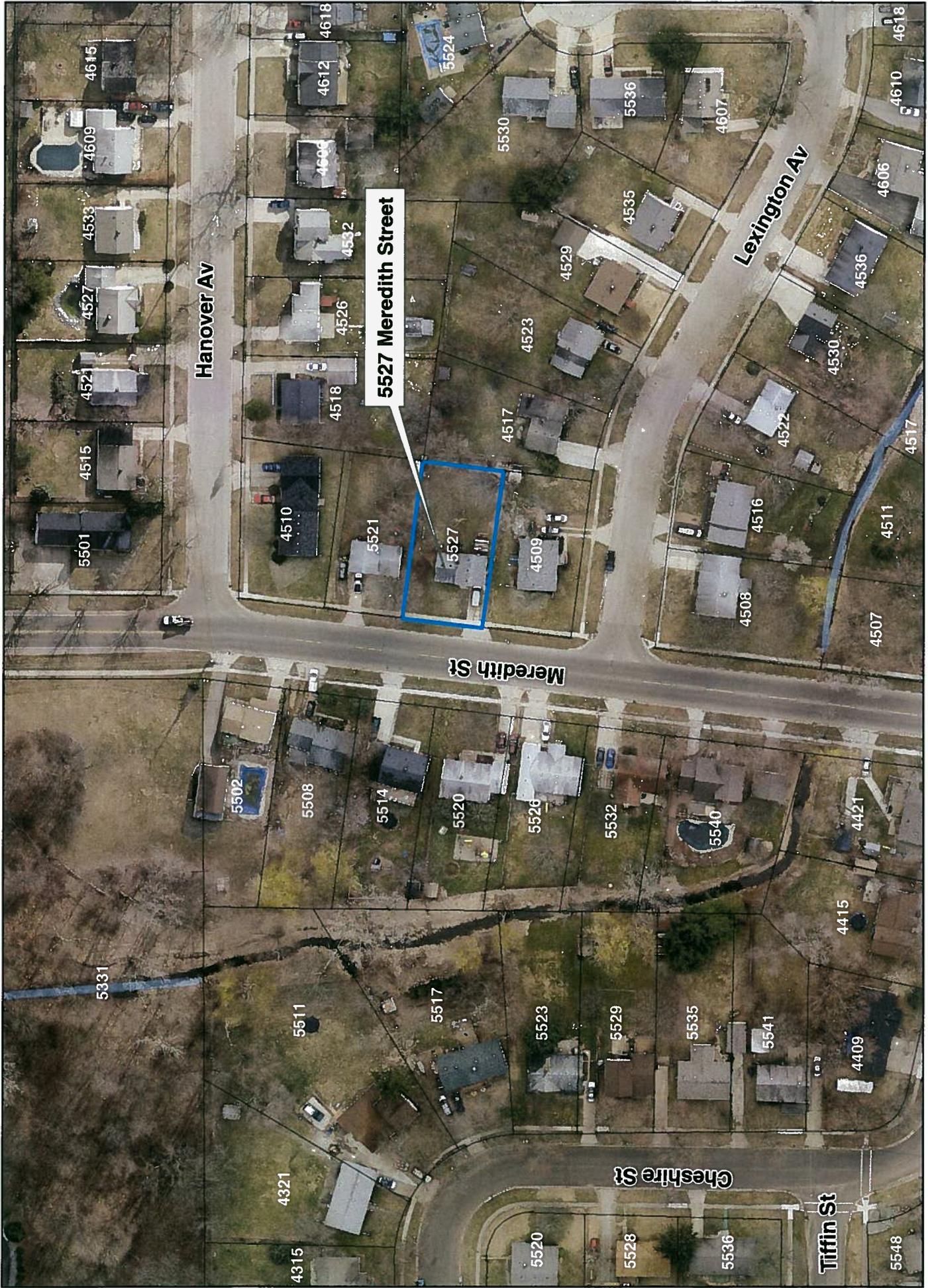
As background information, the house was extensively damaged as the result of a June 18, 2013 fire. The property owner of record, Rose Langeland is deceased. However, her son Daniel Langeland has received notifications regarding this matter as a representative of the property. Conversations with Mr. Langeland indicate that the house was not insured and that he is not able to provide information regarding when the house would be repaired or razed. The current condition of the fire damaged house includes:

1. Extensive fire, smoke and water damage.
2. Large portions of the roof removed allowing water/weather infiltration.
3. Severely damaged and nonfunctional electrical, plumbing and mechanical components.

The fire damage to the house is extensive with no progress demonstrated by the property representative to repair or remove the building. Because of the lack of action or response, an August 13, 2013 Show Cause Hearing notice was transmitted and posted on the site. In addition to the house, debris remains on the property exterior. Due to a lack of response in correcting the refuse violation, a 10-day abatement notice was also provided by the city on August 15, 2013. To date, no action to remove the refuse on the property has been taken by Mr. Langeland.

The condition of the house serves as an attractive nuisance that is continuing to decline and create a negative impact on the surrounding neighborhood. Because of this detrimental effect, and lack of response from the property representative, expedited corrective action for the property is necessary for neighborhood protection purposes. It is recommended that the house be razed within 15-days. 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 raze and remove the house. Any and all costs incurred for such action shall be due and payable as permitted in the City of Portage Unsafe Structure Ordinance.

Attachments: Vicinity map of 5527 Meredith Street.  
Unsafe structure notification dated June 18, 2013.  
Show Cause Hearing notification dated August 13, 2013.  
August 22, 2013 photographs of 5527 Meredith Street.



5527 Meredith Street

Vicinity Map  
5527 Meredith Street



1 inch = 100 feet

Date of photography: March 2013



Department of Community Development

June 18, 2013

Sent Certified Mail and Posted on Site

Rose E. Langeland  
5527 Meredith Street  
Portage, MI 49002

Dear Ms. Rose Langeland:

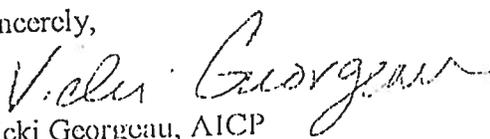
RE: Unsafe Structure - Notice to Owner/Occupant -- 5527 Meredith Street

On behalf of the Department of Community Development, I wish to convey condolences regarding the fire that severely damaged the house located at 5527 Meredith Street on June 18, 2013. Instances such as this are always unfortunate. For life-safety purposes, your efforts to keep the house secure from casual entry is necessary and appreciated.

As information for you, 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. Please be advised that the current condition of the damaged house is unsafe as defined in Section 42-1341 of the City of Portage Code of Ordinances. Your effort to initiate corrective action to have the house repaired or removed within thirty (30) days from the date of receipt of this notice is requested in an effort to avoid enforcement action.

If you have any questions or need further information or assistance in this matter, the Department of Community Development is readily available to assist you and can be contacted at 269-329-4466.

Sincerely,

  
Vicki Georgeau, AICP  
Director

C. Daniel Langeland, 5527 Meredith Street, Portage, MI 49002  
Daniel Foecking, Finance Director

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

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Department of Community Development

August 13, 2013

Sent Certified Mail and Posted on Site

Rose E. Langeland  
5527 Meredith Street  
Portage, MI 49002

Dear Ms. Rose Langeland:

RE: Notice of Show Cause Hearing – 5527 Meredith Street

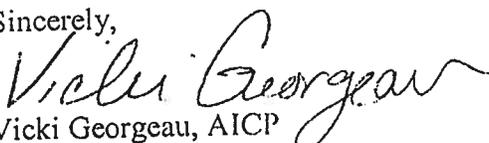
The fire damaged house located at 5527 Meredith Street has not been made safe or repaired in accordance with the provisions of the Codified Ordinances of the City of Portage, Michigan. Severe damage was sustained to the main structure, roof and electrical, plumbing and mechanical components of the house as the result of the fire. In its present condition, the house is continuing to deteriorate with missing roof sections allowing water and weather infiltration.

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 August 29, 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 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 and Housing Services, Department of Development, 329-4477.

Sincerely,

  
Vicki Georgeau, AICP  
Director

Attachment: Copy of June 18, 2013 Unsafe Structure Notice

c: Daniel Langeland, 5527 Meredith Street, Portage, MI 49002 (sent certified)

cc: Terry A. Novak, Deputy Director of Building and Housing Services  
Christopher Forth, Deputy Director of Planning, Development and Neighborhood Services

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**NOTICE**

For more information, please contact the following:

- 1. The City of [illegible]
- 2. The [illegible]
- 3. The [illegible]

[Yellow sticky note]

[Yellow sticky note]







