



# CONSTRUCTION BOARD OF APPEALS

December 2, 2014

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

**A G E N D A**

**December 2, 2014**

The City of Portage Construction Board of Appeals will hold a meeting on December 2, 2014 at 5:00 PM in Conference Room 1, Portage City Hall, 7900 South Westnedge Avenue.

**APPROVAL OF MINUTES:**

\*October 2, 2014

**OLD BUSINESS:**

None

**NEW BUSINESS:**

\*5523 Monticello Avenue – Show Cause Hearing for an Unsafe Structure.

**STATEMENT OF CITIZENS:**

**ADJOURNMENT:**

Material Transmitted

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

CITY OF PORTAGE CONSTRUCTION BOARD OF APPEALS

Minutes of Meeting – October 2, 2014

A large, light-colored stamp with the word "DRAFT" in a bold, sans-serif font, tilted slightly to the right. To the left of the text is a small icon of a document with a checkmark.

The City of Portage Construction Board of Appeals meeting of October 2, 2014 was called to order at 5:00 PM in Conference Room #2 of Portage City Hall, 7900 South Westnedge Avenue, Portage, Michigan.

MEMBERS PRESENT:

Peter Carlson, Gary Gilchrist, William Leach, Barney Martlew, Lawrence Schmidt, George Theodoru,

MEMBERS ABSENT:

None

MEMBERS EXCUSED:

None

IN ATTENDANCE:

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

APPROVAL OF MINUTES:

The minutes of August 14, 2014 were approved.

BOARD ACTION:

4721 West Milham Avenue – Show Cause Hearing

Chairman Schmidt reconvened the discussion regarding the Show Cause Hearing for 4721 West Milham Avenue. Michael Busche, property owner of 4721 West Milham Avenue was in attendance. Deputy Director Novak provided an update to the Board indicating that the structure remained closed to casual entry and that no work to repair or raze the house had occurred. Recent photographs of the house were provided to the Board for their review. Mr. Busche advised the Board that a decision or settlement had not been reached as the result of the September 15, 2014 meeting between him, his attorney and representatives from his insurance company. Mr. Busche further indicated that the first time an adjuster from his insurance company inspected the house was September 18, 2014. Mr. Busche could not explain the actions or lack of response by his insurance company. Deputy Director Novak reminded the Board that the fire occurred in February and the damaged house continued to be a negative impact on the surrounding neighborhood with no action demonstrated to repair or remove the structure.

After a brief discussion by the Board regarding the need to facilitate action on the house, Member Martlew made a motion that a permit to raze or repair the house needed to be obtained within 30-days. Once the permit was acquired, work to raze or repair the house needed to commence within 30-days. Should the property owner fail to comply with either of the two requirements, the matter was to be transmitted to City

Council seeking authorization for the Department of Community Development to raze the structure and collect any costs associated with the demolition in accordance with the provisions of the City of Portage Unsafe Structure Ordinance. The motion was seconded by Member Leach. The motion passed unanimously.

4228 Monroe Avenue – Show Cause Hearing

Chairman Schmidt presented the item to the Board. No one was in attendance to represent the property. Deputy Director Novak provided background information pertaining to the manufactured dwelling and conversations he had with representatives from Colonial Acres, including their intent to have the dwelling removed by November 1, 2014. The Board was also informed that Bayshore Home Sales (Colonial Acres) held the Certificate of Manufactured Home Ownership (title) to the dwelling. Building Inspector Beery provided information pertaining to the condition of the dwelling from inspections he had performed.

After a brief discussion by the Board, Member Leach made a motion that the manufactured dwelling be razed or repaired by the property owner within 30-days. If the property owner fails to comply, the matter is to be transmitted to City Council seeking authorization for the Department of Community Development to raze the manufactured dwelling and collect any costs associated with the demolition in accordance with the provision of the City of Portage Unsafe Structure Ordinance. The motion was seconded by Member Gilchrist. The motion passed unanimously.

4234 Monroe Avenue – Show Cause Hearing

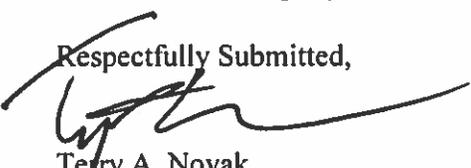
Chairman Schmidt presented the item to the Board. No one was in attendance to represent the property. Deputy Director Novak and Building Inspector Beery provided background information pertaining to the manufactured dwelling and its condition. Deputy Director Novak also advised the Board that Bayshore Home Sales (Colonial Acres) held the Certificate of Manufactured Home Ownership for the dwelling and it was their intent to have the dwelling removed by November 1, 2014.

Member Leach made a motion that the manufactured dwelling be razed or repaired by the property owner within 30-days. If the property owner fails to comply, the matter is to be transmitted to City Council seeking authorization for the Department of Community Development to raze the manufactured dwelling and collect any costs associated with the demolition in accordance with the provision of the City of Portage Unsafe Structure Ordinance. The motion was seconded by Member Gilchrist. The motion passed unanimously.

ADJOURNMENT:

The Board meeting adjourned at 6:10 PM

Respectfully Submitted,



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

**TO:** Construction Board of Appeals  
**FROM:** Vicki Georgeau, Director of Community Development  
**DATE:** November 25, 2014  
**SUBJECT:** Show Cause Hearing – 5523 Monticello Avenue  
**CODE SECTION:** Article 13, Section 42-1341 - Unsafe Structures, City of Portage Codified Ordinances

Initial enforcement action for exterior junk and debris violations on the property at 5523 Monticello Avenue occurred in May 2014. The owner of the property, Jerry Richter, failed to correct the violations and a civil infraction ticket was issued. Mr. Richter subsequently passed away and efforts to obtain assistance from the surviving relatives to correct violations associated with the property have been unsuccessful. On August 18, 2014 it was discovered that the dwelling was open to casual entry, full of garbage/debris, and several other housing maintenance violations were present. In response, notices were transmitted requiring that the dwelling be secured, cleaned up and repaired. An abatement notice was also sent for the exterior debris and tall grass violations. Due to lack of corrective action, on September 11, 2014 the house was secured from casual entry, and contractors were obtained to abate exterior debris and tall grass on the site.

The property has essentially been abandoned, the condition of the interior of the house is unsafe/unfit for occupancy and the presence of extensive garbage and debris may result in infestation and further damage to the dwelling. In compliance with the Unsafe Structure Ordinance, an October 7, 2014 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. On November 14, 2014 a Show Cause Hearing notice was also sent certified mail and posted at the site.

No response or corrective action to the notices was received. The house located at 5523 Monticello Avenue remains unsafe/unfit 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 is filled with rubbish and debris that restrict free passage throughout the dwelling and also creates unsanitary living conditions. In addition, several areas throughout the house have holes in the walls.
2. The open electrical splices in the basement need to be corrected. A cover also needs to be installed on the electrical service.
3. The condition/operation of the electrical, plumbing and mechanical equipment (furnace, water heater, etc.) for the house could not be verified. State of Michigan licensed electrical, plumbing and mechanical contractors will need to review/confirm the equipment is in safe working condition.

Staff recommends that the property owner's authorized agent be provided 15-days to remove all debris from the house and if necessary, treat the house for infestation. Items 2 & 3 listed above need to be completed prior to the house being occupied. 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 treat the house for infestation if required. Any and all costs incurred for such action shall be due and payable to the city per the Unsafe Structure Ordinance.

Attachments: Vicinity map  
Unsafe Structure notification dated October 7, 2014.  
Show Cause Hearing notification dated November 14, 2014.  
Photographs of 5523 Monticello Avenue





Sent Certified Mail and Posted on Site

October 7, 2014

Jerry W. & TL Richter  
5977 King Highway  
Kalamazoo, MI 49048

**COPY**

Dear Jerry W. & TL Richter:

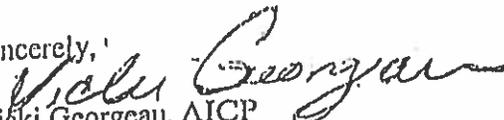
RE: Unsafe/Unfit Structure – 5523 Monticello Avenue

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 5523 Monticello 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 restrict free passage throughout the dwelling and also creates unsanitary living conditions. In addition, several areas throughout the house have holes in the walls.
2. The open electrical splices in the basement need to be corrected. A cover also needs to be installed on the electrical service.
3. The condition/operation of the electrical, plumbing and mechanical equipment (furnace, water heater, etc.) for the house could not be verified. State of Michigan licensed electrical, plumbing and mechanical contractors will need to review/confirm the equipment is in safe working condition.

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.

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

Sincerely,  
  
Vicki Georgeau, AICP  
Director

- C. Anna Baker, 5977 King Highway, Kalamazoo, MI 49048
- Gary and Jeannie Richter, 5541 Monticello Avenue, Kalamazoo, MI 49024
- Charles Richter, 5908 Monticello Avenue, Portage, MI 49024

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

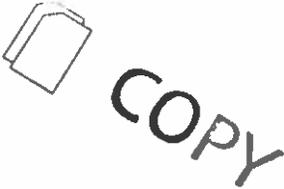


Department of Community Development

November 14, 2014

Sent Certified Mail and Posted on Site

Jerry W. & TL Richter  
5977 King Highway  
Kalamazoo, MI 49048



Dear Jerry W. & TL Richter:

RE: Notice of Show Cause Hearing – 5523 Monticello Avenue

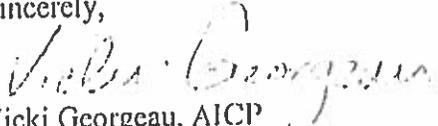
The house located at 5523 Monticello Avenue has not been made safe in accordance with the provisions of the Codified Ordinances of the City of Portage, Michigan. The current condition of the house, as identified in the October 7, 2014 Unsafe Structure Notice, is unsafe and unfit for human occupancy as defined in Section 42-1341 of the City of Portage Code of Ordinances.

As a result of these continued violations, you are hereby notified that a hearing on the condition of the house at 5523 Monticello Avenue will be held before the Construction Board of Appeals at 5:00 P.M. on December 2, 2014. 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 condition of the house should not be abated 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 October 7, 2014 Unsafe Structure Notice

C. Anna Baker, 5977 King Highway, Kalamazoo, MI 49048  
Gary and Jeannie Richter, 5541 Monticello Avenue, Kalamazoo, MI 49024  
Charles Richter, 5908 Monticello Avenue, Portage, MI 49024

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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11/10/2014

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