



CONSTRUCTION BOARD OF APPEALS

June 15, 2015

CITY OF PORTAGE
CONSTRUCTION BOARD OF APPEALS

A G E N D A

June 15, 2015

The City of Portage Construction Board of Appeals will hold a meeting on June 15, 2015 at 5:00 PM in Conference Room 1, Portage City Hall, 7900 South Westnedge Avenue.

APPROVAL OF MINUTES:

*May 5, 2015

OLD BUSINESS:

None

NEW BUSINESS:

*5523 Monticello Avenue – Raze Order

STATEMENT OF CITIZENS:

ADJOURNMENT:

Material Transmitted

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

CITY OF PORTAGE CONSTRUCTION BOARD OF APPEALS

Minutes of Meeting – May 5, 2015

 DRAFT

The City of Portage Construction Board of Appeals meeting of May 5, 2015 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 December 2, 2014 were approved.

BOARD ACTION:

*6717 South Sprinkle Road – Construction variance for Summit Polymers

Chairman Schmidt introduced the item to the Board. Mr. Dan Brown, Representative for Summit Polymers was in attendance. Deputy Director Novak provided an overview of the requested variance pertaining to Section 507 of the 2012 State of Michigan Building Code, Unlimited Area Buildings. Deputy Director Novak provided information to the Board regarding the history of the building and the recent variance granted in 2013 for a 37,500 square foot addition to the building. Mr. Brown advised the Board of the intended use of the proposed 900 square foot addition for the south side of the building and why it was necessary. Building Inspector Mike Beery reviewed the code section related to the variance and explained the methodology of how the Building Code determined the maximum size allowed based on the use, construction type, fire sprinkling and clear area separations. Inspector Beery advised the Board that a variance would be necessary for any addition to Summit Polymers. Several members of the Board questioned Mr. Brown on various items including; if there was space within the existing building for the proposed use/activity associated with the addition, if the process could be accomplished at one of Summit Polymers' other facilities, if more additions were planned for the facility.

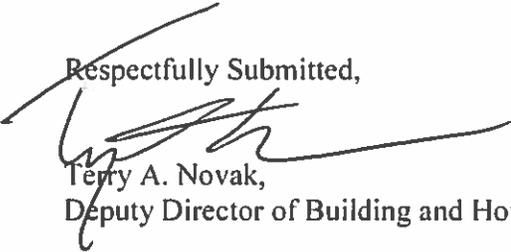
After further discussion, a motion was made by Member Gilchrist to approve the requested variance to Section 507 of the State of Michigan Building Code, Unlimited Area Buildings, thereby allowing the construction of a 900 square foot addition conditioned that all other Building Code and Fire Code requirements for the proposed addition were met. The motion was seconded by Member Martlew. The

motion passed 5 to 1 with the dissenting vote from Chairman Schmidt.

ADJOURNMENT:

The Board meeting adjourned at 5:50 PM

Respectfully Submitted,



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

TO: Construction Board of Appeals

FROM: Vicki Georgeau, ^{VG} Director of Community Development

DATE: June 10, 2015

SUBJECT: Show Cause Hearing – 5523 Monticello Avenue

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

Enforcement action for the property at 5523 Monticello Avenue has been ongoing since May 2014. The owner of the property, Jerry Richter, is deceased and efforts to obtain assistance from the surviving relatives to correct violations associated with the house and site have been unsuccessful. Ongoing abatement activity for the property by the city has been necessary for junk and debris on the property exterior and house interior, tall grass and weeds and to secure the house from casual entry. The property has essentially been abandoned and continues to deteriorate due to a lack of maintenance.

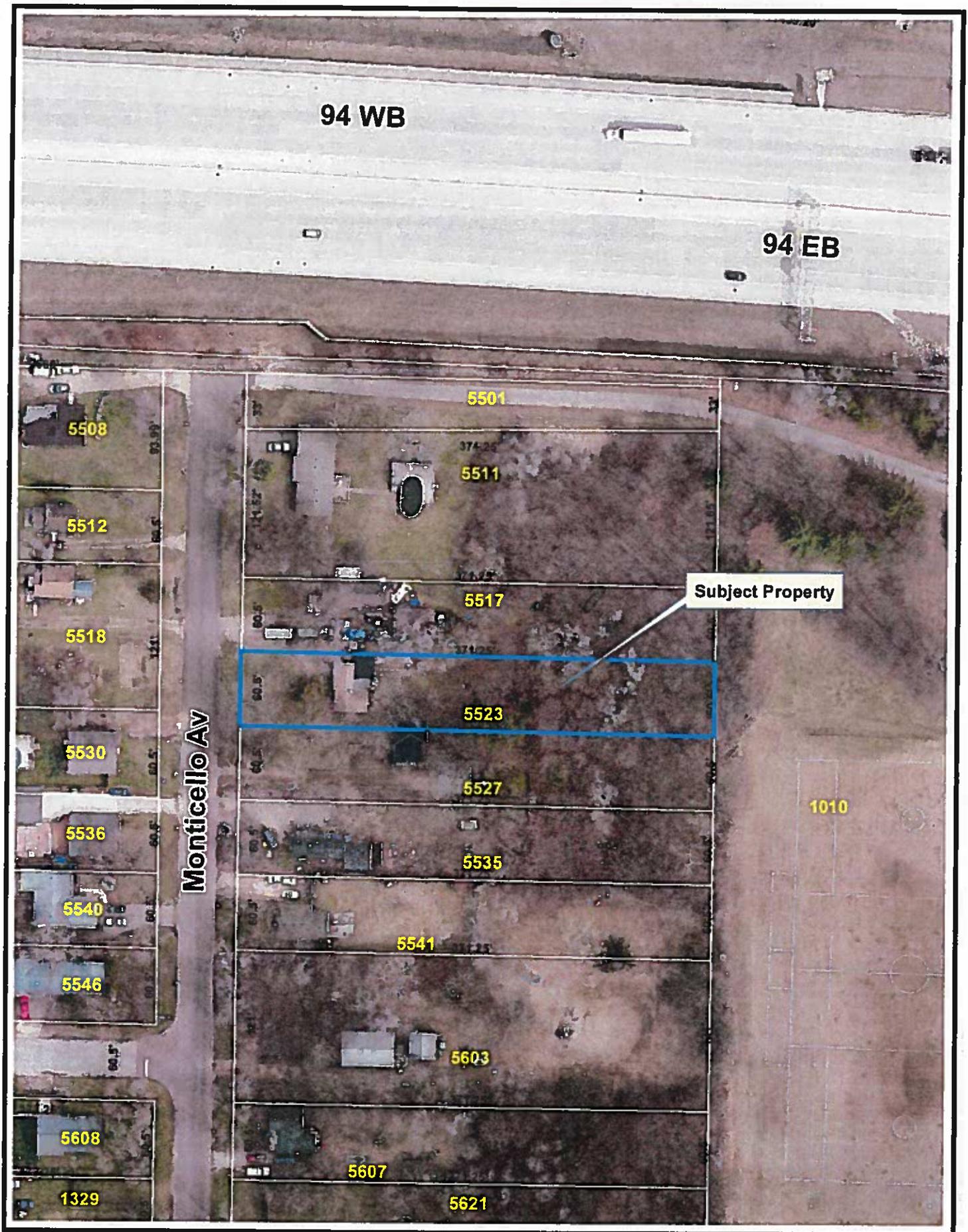
The following items remain in need of correction:

1. Signs of structural distress related to the foundation and floor joists for the house are evident. There are also several areas throughout the house with holes and damage to the walls.
2. Lack of maintenance/upkeep of the house is evident. Signs of animal infestation and weather intrusion into the dwelling is evident.
3. There are several open electrical splices in the basement that need to be corrected. A cover also needs to be installed on the electrical service.
4. 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.

The house located at 5523 Monticello Avenue serves as an attractive nuisance and is unsafe/unfit and does not meet the provisions of the Codified Ordinances of the City of Portage. Staff recommends that the property owner's authorized agent be provided 15-days to repair the house so that it can be occupied or the structure be razed. 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 demolish and remove the house. 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 April 23, 2015.
Show Cause Hearing notification dated May 29, 2015.
Photographs of 5523 Monticello Avenue

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April 23, 2015

Sent Certified Mail and Posted on Site

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

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. Inspection of the house and property determined that the following items were in need of correction:

1. Signs of structural distress related to the foundation and floor joists for the house are evident. There are also several areas throughout the house with holes and damage to the walls.
2. Lack of maintenance/upkeep of the house is evident. Signs of animal infestation and weather intrusion into the dwelling is evident.
3. There are several open electrical splices in the basement that need to be corrected. A cover also needs to be installed on the electrical service.
4. 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 and the premises made habitable within thirty (30) days from the date 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 a demolition order. The costs of the 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

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MAY 04 2015

COMMUNITY DEVELOPMENT



Department of Community Development

May 29, 2015

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 April 23, 2015 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 June 15, 2015. 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 April 23, 2015 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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