



CONSTRUCTION BOARD OF APPEALS

November 7, 2016

CITY OF PORTAGE
CONSTRUCTION BOARD OF APPEALS

A G E N D A

November 7, 2016

The City of Portage Construction Board of Appeals will hold a meeting on November 7, 2016 at 5:00 PM in Conference Room 1, Portage City Hall, 7900 South Westnedge Avenue.

APPROVAL OF MINUTES:

*September 12, 2016

OLD BUSINESS:

None

NEW BUSINESS:

*3923 Florinda Avenue – Show Cause Hearing

STATEMENT OF CITIZENS:

ADJOURNMENT:

Material Transmitted

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

CITY OF PORTAGE CONSTRUCTION BOARD OF APPEALS

Minutes of Meeting – September 12, 2016

 DRAFT

The City of Portage Construction Board of Appeals meeting of September 12, 2016 was called to order at 5:00 PM in Conference Room #1 of Portage City Hall, 7900 South Westnedge Avenue, Portage, Michigan.

MEMBERS PRESENT:

Peter Carlson; Gary Gilchrist; William Leach; Lawrence Schmidt; Sheldon Smith.

MEMBERS ABSENT:

None

MEMBERS EXCUSED:

Barney Martlew; George Theodoru.

IN ATTENDANCE:

Terry Novak, Deputy Director of Building and Housing Services

APPROVAL OF MINUTES:

The minutes of June 20, 2016 were approved.

BOARD ACTION:

715 West Osterhout Avenue – Show Cause Hearing

Chairman Schmidt opened the hearing. A representative for the property was not in attendance. Deputy Director Novak provided background information on the dilapidated house and the original unsafe structure notice that was transmitted on November 13, 2014. Deputy Director Novak advised that the owner of the property had passed away and Community Development had been working with the new property representative on the redevelopment of the 40-acre parcel. The sale of the property failed, however, and the proposed project was withdrawn. Deputy Director further advised that it was believed that a new sale of the property was pending, however, due to the amount of time that had passed, and the potential for the new sale to also fail, corrective action was necessary for the house. The Board members discussed the continued decline of the condition of the house and the need for action.

A motion was made by Member Leach that the single-family house located at 715 West Osterhout be razed 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 city be authorized to raze and remove the house and any junk and debris on the site. Any and all costs incurred for such action shall

be due and payable as permitted in the City of Portage Unsafe Structure Ordinance. The motion was seconded by Member Smith and passed unanimously.

1411 West Centre Avenue – Show Cause Hearing

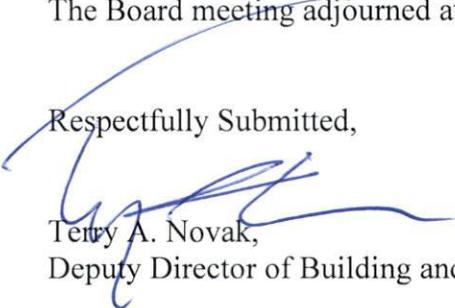
Chairman Schmidt opened the hearing. Terry Derhammer, property owner was in attendance. Deputy Director Novak provided information to the Board regarding the recent fire and history related to the property, including ongoing condemnation by Kalamazoo County Health Department for methamphetamine contamination since 2014. Deputy Director Novak further advised that police records indicate ongoing activity and periodic occupancy of the house. Mr. Derhammer indicated to the Board that he had been in contact with Kalamazoo County regarding the methamphetamine contamination and did not believe it to exist, however, acknowledged that to clear the house for occupancy a private testing firm needed to submit a clearance report. Mr. Derhammer advised that he has been trying to sell the property during the past several months but has not secured a buyer and did not see the value of repairing the house when a purchaser would probably demolish it. Mr. Derhammer also indicated that he had an outstanding mortgage on the property and was currently working with his insurance company. Members of the Board inquired as to the interior condition of the house and the electrical, plumbing and mechanical components. Mr. Derhammer advised that all systems for the house were in functioning condition. Members of the Board indicated that while they understood the situation of the property owner, forthcoming action in the near future was necessary,

A motion was made by Member Smith that the single-family house located at 1411 West Centre Avenue be completely secured from casual entry within 7-days. In addition, if the house was not decontaminated as required by Kalamazoo County due to methamphetamine contamination, and repaired from the recent fire damage, the house is to be brought back before the Board in 6-months as a raze order. The motion was seconded by Member Leach and passed unanimously.

ADJOURNMENT:

The Board meeting adjourned at 5:45 PM

Respectfully Submitted,



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

TO: Construction Board of Appeals

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

DATE: November 2, 2016

SUBJECT: Show Cause Hearing – 3923 Florinda Avenue

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

**STAFF
RECOM-
MENDATION:**

The single-family detached house at 3923 Florinda Avenue 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, an August 5, 2016 unsafe/unfit structure notice was sent certified mail and posted on the house advising that the property owner had 30-days to bring the property into compliance or further enforcement action would be pursued. On September 30, 2016, a Show Cause Hearing notice was sent certified mail and posted on the site due to the lack of action by the property owner.

As background, the condition of the house was initially referred to the Department of Community Development on August 1, 2016 by the Michigan Department of Health and Human Services, Adult Protective Services (APS). Initial work between APS and the homeowner to address the unfit/unsafe living conditions began in June 2016. The reported unsanitary living conditions by APS included: rotting food/garbage, cat feces and urine, and a nonfunctioning water heater and kitchen appliances. A joint inspection by APS and the Department of Community Development on August 2, 2016 confirmed the unfit living condition of the house.

As substantiated by staff inspections and the accompanying photographs obtained on November 1, 2016, the condition of the house and garage continue to represent a “hoarding” situation with various cast off debris and garbage and create an unfit and unsanitary living condition for occupancy. In addition, during the inspection it was determined that the water heater, stove and refrigerator need to be repaired or replaced. Attempts by staff to work with the property owner has demonstrated little improvement with the condition of the house. APS has also experienced a significant decline in participation by the owner to address the situation.

Staff is mindful of the difficulties encountered by the property owner in trying to address the situation. However, the unsafe/unfit condition of the house needs to be addressed to ensure the safety of the occupant. The condition of the house and property also creates a negative impact on the surrounding properties and neighborhood. It is the

recommendation of staff that the Construction Board of Appeals issue an Order requiring that within 45-days:

1. The cast off debris and garbage from the house, garage and exterior property be removed and the kitchen and bathroom cleaned and sanitized. Emergency egress from the front door of the house and bedroom (egress window) need to be maintained. In addition, proper safety clearances (36-inch minimum) need to be maintained for the water heater, furnace and electrical service.
2. The refrigerator and stove need to be cleaned and repaired or removed. In addition, the water heater needs to be repaired or replaced.
3. A functioning smoke detector needs to be provided for the house.
4. The floor joists located under the bathroom need to be repaired by a licensed contractor. In addition, the attic vent needs to be fixed to prevent weather/animal intrusion.
5. The exterior grading located around the deck needs to be filled and re-graded so that it slopes away from the house to prevent basement water issues.

Should the owner fail to comply with the Order, the matter would be referred to City Council seeking authorization for the city to have all cast off debris and garbage from the house, garage and exterior property removed and the kitchen and bathroom cleaned and sanitized. Once the debris and garbage are removed, a reinspection the house will be performed to determine appropriate action for any remaining deficiencies. The costs associated with removing the cast off debris and garbage shall be provided in accordance with Chapter 42, Article 13, Unsafe Structures, City of Portage Codified Ordinances.

Attachments: Vicinity Map of 3923 Florinda Avenue.
Unsafe structure notification dated August 5, 2016.
Show Cause Hearing notification dated September 30, 2016.
Photographs of 3923 Florinda Avenue.

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3923 Florida Avenue

Sprinkle Rd

Florinda Av

Windwood St

Biscayne Av

Windwood St

September 30, 2016

Sent Certified Mail and Posted on Site

Barbara Krauss
3923 Florinda Avenue
Portage, MI 49002

Dear Ms. Krauss:

RE: Notice of Show Cause Hearing – 3923 Florinda Avenue

The house located at 3923 Florinda 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 August 5, 2016 Unsafe/Unfit Structure Notice, is not fit 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 3923 Florinda Avenue will be held before the Construction Board of Appeals at 5:00 P.M. on November 7, 2016. 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 debris and unsanitary conditions 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 Community Development, 329-4477.

Sincerely,



Vicki Georgeau, AICP
Director

Attachment: Copy of August 5, 2016 Unsafe Structure Notice

C. Shannon Wagoner, Department of Health and Human Services, 322 East Stockbridge Avenue, Kalamazoo, MI 49001

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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Ms. Barbara Krauss
3923 Florinda Avenue
Portage, MI 49002

August 5, 2016



Dear Ms. Krauss:

RE: Unsafe/Unfit Structure – 3923 Florinda Avenue

This communication is regarding the house and site conditions at 3923 Florinda Avenue. Please be advised that 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 3923 Florinda Avenue is unsafe/unfit for human occupancy as defined in Section 42-1341 of the City of Portage Code of Ordinances. Recent inspection of the house and site by Community Development staff identified the following conditions in need of attention/correction:

1. The house is filled with items and debris that restrict free passage throughout the dwelling, including a blocked front entrance door, creating unsanitary/unhealthy living conditions.
2. A fully functional and sanitary kitchen and bathroom with operational appliances and fixtures are required for the dwelling. (Because of the amount of debris present, it cannot be determined if these areas/fixtures are compliant with code requirements.)
3. A new water heater needs to be installed for the house.
4. The floor joists located under the bathtub have been cut and need to be repaired/replaced by a licensed contractor.
5. The exterior storage of debris and refuse items is not permitted under city ordinance and needs to be properly disposed of.
6. Exterior attic vent needs to be replaced to prevent weather elements and insects/small animals from gaining access.

Efforts to correct the above violations within thirty (30) days from the date of this notice is requested and necessary to avoid further enforcement action, which may include a hearing before the Construction Board of Appeals seeking an abatement order to remove debris. The costs of any abatement is due and payable by the property owner. It is requested that you contact Community Development to schedule an inspection of the dwelling when the above listed items have been addressed.

It is recognized that assistance may be necessary to correct these violations. You are encouraged to remain in contact with Ms. Shannon Wagoner, Adult Protective Services at 269-873-7426 for support and other help that may be available.

If you have any questions or need further information, please contact the Department of Community Development at 269-329-4477.

Sincerely,


Vicki Georgeau, AICP
Director

C. Shannon Wagoner, Adult Protective Services, 322 East Stockbridge Avenue, Kalamazoo, MI 49001

Ec. Terry Novak, Deputy Director of Building and Housing Services
Kyle Mucha, Zoning and Codes Administrator





