

Construction Board of Appeals

Regular Meeting Minutes

Wednesday, September 14, 2011
4:00 p.m., Conference Room A
City Hall, South Haven, MI



City of South Haven

1. The meeting was called to Order by Lewis at 4:00 p.m.

2. Roll Call

Present: Lundgren, Morse, Lewis
Absent: None

Also present: Linda Anderson, Director of Planning & Zoning; Ross Rogien, Building Inspector; Ken Fairbanks, interested neighbor of subject property

3. Approval of Agenda

Motion by Lundgren, second by Lewis to approve the agenda as presented. All in favor.
Motion carried.

4. Approval of Minutes – October 27, 2010

Motion by Lundgren, second by Morse to approve the minutes with the following correction:

Page 3, second paragraph from the bottom. Replace “Morris” with “Morse”.

All in favor. Motion carried.

5. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda

None at this time.

NEW BUSINESS

6. 229 Elkenburg Street

Background Information: Enforcement efforts for the dilapidated accessory structure at 229 Elkenburg date back to June of 2009. Since that time, several attempts have been made to work with the owner with little success. Code enforcement staff went so far as to issue citations, which were subsequently ignored. Finally, on July 17, 2011, the city building inspector contacted the hearing officer to set a meeting.

Hearing Officer's Order:

That the accessory structure on the subject property be demolished pursuant to the City's Demolition Specifications by September 9, 2011.

Support Material:

1. Hearing Officer's Order and support documents (Attachments A & B)
2. Repair Cost Comparison Sheet to State Equalized Value of Structure
3. Notice to property owner of appeal of Hearing Officer's Order to CBA
4. Photos

Rogien noted that the subject building has been a problem for three to four years; the City has been unable to make contact with the owner during that time. The owner did contact Anderson just recently and indicated he would tear the structure down on his own. The City is moving ahead regardless because of the owner's lack of response in the past. Rogien does not have much confidence that it would get torn down. Rogien noted that there has been loose sheeting on the roof for at least two years; there is now a 20' x 20' hole collapsing into the building. Rogien also noted that the exterior walls are out of plumb eight to ten inches and the building has barrels inside with unknown contents. Before demolition begins the fire department will have to do a preliminary inspection. Assuming the owner is not going to demolish the structure, the City is continuing to move ahead.

Lewis asked who would foot the bill for hazardous waste removal. Anderson stated that if the owner does not demolish it, the City will foot the bill for demolition and hazardous waste removal, if necessary, with the expense then going on the owner's property taxes as a lien. Rogien will consult the Fire Marshall, Marsala, because if the barrels are not labeled, testing will need to be done. Rogien noted that the main structure was an old picture frame factory. Lewis noted there would have been thinners and solvents used for their processes. Rogien stated that the owner knew he would have to check on the barrels; between Rogien and Code Enforcement Officer Dan Gomez, the City will try to keep an eye on the structure and hopefully keep someone from removing the barrels and disposing of them improperly.

Neighbor Fairbanks noted he would be happy to see the building go away, as that is the view from his bedroom and other windows.

Motion by Lundgren to order the demolition of the storage building on the west side of the property at 229 Elkenburg with a twenty-one (21) day time limit. Second by Morse. All in favor. Motion carried.

Planning Director Anderson noted that this motion moves the process to the next step but subsequent steps will all take time.

7. Adjourn

Motion by Lundgren, second by Morse to adjourn at 4:07 p.m. All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom
Recording Secretary