

# Construction Board of Appeals

## Regular Meeting Agenda

Wednesday, June 1, 2016  
3:00 PM, Conference Room A  
City Hall, 539 Phoenix Street



1. **Call to Order** – Chair Morse
2. **Roll Call**
3. **Approval of Agenda**
4. **Approval of Minutes** – November 18, 2015
5. **Public Comment**
6. **NEW BUSINESS**  
709 South Haven Place – David Noosbond, Owner
7. **Election of officers 2016 - 2017**
8. **Adjourn**

RESPECTFULLY SUBMITTED,

Linda Anderson  
Zoning Administrator

South Haven City Hall is Barrier-free and the City of South Haven will provide the necessary reasonable auxiliary aids and services for persons with disabilities, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting to individuals with disabilities at the meeting upon seven (7) days notice to the South Haven City Clerk. Individuals with disabilities requiring services should contact the City Clerk by writing or calling South Haven City Hall at (269) 637-0700.

# Construction Board of Appeals

## Regular Meeting Minutes

Wednesday, November 18, 2015  
3:00 p.m., Conference Room A



City of South Haven

### 1. Call to Order by Morse at 3:00 p.m.

### 2. Roll Call

Present: Dibble, Heinig, Morse  
Absent: Stickland

Also present: Ross Rogien, Building Official

### 3. Approval of Agenda

Motion by Heinig, second by Dibble to approve the November 18, 2015 regular meeting agenda as presented.

All in favor. Motion carried.

### 4. Approval of Minutes – July 22, 2015

Motion by Heinig, second by Dibble to approve the July 22, 2015 regular meeting minutes as written.

All in favor. Motion carried.

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

None at this time.

### 6. Appeal - 220 Superior Street

Anderson noted this is a situation with many neighbor complaints; raccoon infestation with raccoons in and out upper windows. The Building Official noticed the house; the hearing officer ruled that the house should be demolished. About  $\frac{3}{4}$  of the way into the time limit allowed for the home owner to demolish the house, the appellant called and changed his mind and wanted to repair the structure saying he wanted to appeal. Anderson informed him that the appeal would be scheduled; today was the soonest a hearing could be scheduled.

The appellant was told very clearly not to come without a plan, including a structural engineer, and a schedule for repairs to be completed.

This morning Anderson discovered a message on her phone; the appellant had called last evening saying he forgot about the meeting, and wanted to delay the meeting as he was in Chicago. Anderson told him the meeting would go forward and that he should have someone here. The home owner said he cannot get his contractor here, he's too busy, and he would send Anderson all the drawings.

Anderson distributed a copy of the one sheet of a drawing which the home owner identifies as a drawing of the current house as it stands now with the problem areas of the foundation highlighted. The home owner stated he would have the contractor send a schedule later. Anderson told the appellant that if the CBA approves the appeal, they will tell the appellant what the schedule will be.

According to a letter from the appellant dated October 13, 2015, the applicant said he would return with full plans, structural engineer and schedule but nothing had been received as of 2:30 p.m. today.

Rogien indicated that the drawing provided does not tell us anything. Dibble reminded that the home owner sent a letter to Anderson to which Anderson responded, "Yes, he sent us a formal request to appeal even though I told him that an appeal would be automatically scheduled. In the letter it was indicated that the home owner was "in contact with" a contractor and a structural engineer."

Dibble asked if the appellant followed through with the letter to which Anderson and Rogien responded that they have received nothing. Dibble commented that all that was sent was a floor plan. Discussion ensued regarding the fact that the appellant has not followed through with the requirements for the appeal and the "as-built" drawing submitted three minutes before the meeting by email. Dibble noted that the home owner said he couldn't get his contractor there and in the email he notes that they are looking for a contractor.

Dibble said he hates to make a judgement when the roof looks straight. Rogien noted there are holes in the walls and rotten windowsills. Rogien does not think the applicant has an idea how much money it will take to pull this off.

Anderson noted that when the hearing officer was here and explained the costs the appellant indicated he could not afford that. He was told by the hearing officer that he could tear it down and rebuild a small cottage less expensively than repairing the house.

Discussion ensued about giving the homeowner time to do the repairs and previous situations that were allowed to repair buildings after lengthy periods between contact. If more time is given and the work is not done before the deadline it could turn into another one of these long dragged out problem properties.

Questions ensued regarding the time period needed to allow the appellant to have the demolition done. Rogien and Anderson noted that we have to allow sixty (60) days (January 18, 2016) for a demolition. Dibble wondered about whether there were liens or back taxes

November 18, 2015  
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DRAFT

and discussion ensued regarding how the demolition is funded if the CBA orders a demolition and the city has to bid out a demolition.

Motion by Dibble, second by Heinig to proceed with a demolition order to be completed by Jan 18, 2016 because the terms of the letter of October 13, 2015 submitted by the appellant were not carried out and the drawing sent today was a floor plan and does not call out any means of repair or have any detail included.

All in favor. Motion carried.

## **7. Adjourn**

Motion by Heinig, second by Dibble to adjourn at 3:44 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom  
Recording Secretary



## **Agenda Item #6 709 South Haven Place**

**City of South Haven**

### **Background Information:**

Enforcement efforts for the dilapidated structure at 709 South Haven Place date back to 2011. Following enforcement demands, the owner would make the minimum repairs needed and the building was allowed to remain. There have been no substantial attempts at maintenance of the building.

On February 9, 2016, a registered letter was sent to the property owner (attached) notifying him of a Dangerous Building Hearing set for February 24, 2016. He accepted the letter and attended the hearing. At the hearing, the hearing officer ordered the house demolished no later than May 25, 2016. To date the owner has made no effort to comply with the order other than to obtain a building permit to complete the reroofing that was originally permitted and started in 2008. Although the May 25 deadline for compliance has not passed as of this mailing, the city wanted to make sure that no time was wasted in getting the matter before the CBA.

Before the city is allowed to demolish a private building, there are several requirements which need to be completed, according to City Code 570. The Construction Board of Appeals meeting is one of those requirements.

### **Recommendation:**

Staff recommends that the CBA members visit the property and consider all the attachments to this report. Staff also recommends upholding the Hearing Officer's decision to demolish the building and clean the related grounds. This should be ordered to occur in no more than 21 days from the CBA meeting (June 22, 2016).

### **Support Material:**

- Enforcement files
- Photos of building condition
- Hearing Officer activity and decision
- Cost comparison/building condition report from John Brush (delivered at meeting)

Respectfully submitted,  
Linda Anderson  
Zoning Administrator

05/06/2011

NOOSBOND DAVID  
PO BOX 657  
SOUTH HAVEN, MI 49090

Regarding: Courtesy notification

Dear Property Owner;

Please be aware that the below stated condition has been observed at your property identified below as the subject property. The quality of life within all of our neighborhoods depends on the cooperation of every property owner. The City of South Haven asks that you please be aware of the condition of your property at all times, and that you make proper arrangements for the maintenance of it. City property records indicate that you, as the property owner of record, are the responsible party for the subject property, and therefore we ask that you please take the necessary steps to correct the condition as soon as possible.

**Subject Property:** 709 SOUTH HAVEN PL,SOUTH HAVEN  
Tax Parcel Number: 80-53-530-002-00

**Property Condition:** STRUCTURE ON PROPERTY HAS NOT BEEN MAINTAINED PROPERLY AND MUST BE REPAIRED / BROUGHT BACK INTO COMPLIANCE WITH ALL CURRENT MICHIGAN BUILDING CODES OR BE DEMOLISHED. (ORD. 570)

AN INOPERABLE VEHICLE HAS BEEN OBSERVED ON THE PROPERTY LONGER THAN 48 HRS, AND NEEDS TO BE REMOVED (SEC 30-91 & 82-5

1. MAROON TRUCK P/U PARKED IN THE BACK YARD.

We apologize if this letter has arrived after you have already taken care of this condition. The visual inspection of the neighborhood took place on the date of the letter, and it may have taken a day or so to arrive in your mailbox.

Thank you for your cooperation in keeping South Haven's neighborhoods a positive experience for all of our residents.

Respectfully,

DANIEL M. GOMEZ  
Code Enforcement Officer, Building Services Department (269) 637-0763

06/11/2012

NOOSBOND DAVID  
PO BOX 657  
SOUTH HAVEN, MI 49090

Regarding: Notification of Code Infraction

Dear Property Owner;

The City of South Haven asks that you please be aware of the condition of your property at all times, and that you make proper arrangements for the maintenance of it. The quality of life within all of our neighborhoods depends on the cooperation of every property owner. Please be aware that a Code Infraction has been observed at your property identified below as the subject property. The specific Code Infraction is listed below and you, as the property owner of record, are the legally responsible party for correcting the infraction. **Said infraction needs to be corrected immediately.**

**Subject Property:** 709 SOUTH HAVEN PL,SOUTH HAVEN  
Tax Parcel Number: 80-53-530-002-00

**Code Infraction:** STRUCTURE ON PROPERTY HAS NOT BEEN MAINTAINED PROPERLY AND MUST BE REPAIRED / BROUGHT BACK INTO COMPLIANCE WITH ALL CURRENT MICHIGAN BUILDING CODES OR BE DEMOLISHED. (ORD. 570)

1. NEIGHBORHOOD COMPLAINT ABOUT THE CONDITION OF YOUR HOUSE AND PROPERTY.
2. BROKEN WINDOWS IN FRONT OF THE HOUSE, NEEDS PAINTING WEEDS GROWING IN FRONT OF ENTRANCE STEPS. LARGE PILE OF TREE BRANCHES IN FRONT YARD.

Subsequently, you are required to contact the code enforcement official at the number below no later than ten (10) calendar days from the date of this letter. Should there be no substantive response from you by that time, the City shall move forward with enforcement proceedings which may include the issuance of a "Civil Infraction Notice of Violation" involving a \$50.00 per day fine, and all costs associated with the City having to hire appropriate services to correct said infraction as well as a \$50.00 administrative fee.

**There shall be no further notifications from the City prior to these corrective actions being taken.**

Therefore, it is incumbent upon you to correct the infraction and contact the code enforcement official within the ten (10) calendar days to avoid any fines.

We thank you in advance for your cooperation in correcting this infraction.

Respectfully,

DANIEL M. GOMEZ  
Code Enforcement Officer, Building Services Department (269) 637-0763

04/12/2013

NOOSBOND DAVID  
PO BOX 657  
SOUTH HAVEN, MI 49090

Regarding: Notification of Code Infraction

Dear Property Owner;

The City of South Haven asks that you please be aware of the condition of your property at all times, and that you make proper arrangements for the maintenance of it. The quality of life within all of our neighborhoods depends on the cooperation of every property owner. Please be aware that a Code Infraction has been observed at your property identified below as the subject property. The specific Code Infraction is listed below and you, as the property owner of record, are the legally responsible party for correcting the infraction. **Said infraction needs to be corrected immediately.**

**Subject Property:** 709 SOUTH HAVEN PL,SOUTH HAVEN

Tax Parcel Number: 80-53-530-002-00

**Code Infraction:** STRUCTURE ON PROPERTY HAS NOT BEEN MAINTAINED PROPERLY AND MUST BE REPAIRED / BROUGHT BACK INTO COMPLIANCE WITH ALL CURRENT MICHIGAN BUILDING CODES OR BE DEMOLISHED. (ORD. 570)

1. NEIGHBORHOOD COMPLAINTS ABOUT THE CONDITION OF YOUR HOUSE.
2. SECOND STORY WINDOW GLASS MISSING OLD BOXS IN VIEW.
3. DEBRIS OLD WINDOW FRAMES ONWEST SIDE OF HOUSE.

Subsequently, you are required to contact the code enforcement official at the number below no later than ten (10) calendar days from the date of this letter. Should there be no substantive response from you by that time, the City shall move forward with enforcement proceedings which may include the issuance of a "Civil Infraction Notice of Violation" involving a \$50.00 per day fine, and all costs associated with the City having to hire appropriate services to correct said infraction as well as a \$50.00 administrative fee.

**There shall be no further notifications from the City prior to these corrective actions being taken.**

Therefore, it is incumbent upon you to correct the infraction and contact the code enforcement official within the ten (10) calendar days to avoid any fines.

We thank you in advance for your cooperation in correcting this infraction.

Respectfully,

DANIEL M. GOMEZ

Code Enforcement Officer, Building Services Department (269) 637-0763

NOOSBOND DAVID  
PO BOX 657  
SOUTH HAVEN, MI 49090

02/12/2014

Regarding: Notification of Code Infraction

Dear Property Owner;

The City of South Haven asks that you please be aware of the condition of your property at all times, and that you make proper arrangements for the maintenance of it. The quality of life within all of our neighborhoods depends on the cooperation of every property owner. Please be aware that a Code Infraction has been observed at your property identified below as the subject property. The specific Code Infraction is listed below and you, as the property owner of record, are the legally responsible party for correcting the infraction. **Said infraction needs to be corrected immediately.**

**Subject Property:** 709 SOUTH HAVEN PL, SOUTH HAVEN

Tax Parcel Number: 80-53-530-002-00

**Code Infraction:** STRUCTURE ON PROPERTY HAS NOT BEEN MAINTAINED PROPERLY AND MUST BE REPAIRED / BROUGHT BACK INTO COMPLIANCE WITH ALL CURRENT MICHIGAN BUILDING CODES OR BE DEMOLISHED. (ORD. 570)

1. NEIGHBORHOOD COMPLAINT ABOUT THE CONDITION OF YOUR PROPERTY, SECOND STORY FRONT WINDOW BROKEN NO GLASS.

2. YOU MUST REPAIR THE BROKEN WINDOW BY FEBRUARY 24, 2014, IF WINDOW IS NOT REPAIRED BY THIS DATE YOU WILL BE ISSUED A CITATION.

Subsequently, you are required to contact the code enforcement official at the number below no later than ten (10) calendar days from the date of this letter. Should there be no substantive response from you by that time, the City shall move forward with enforcement proceedings which may include the issuance of a "Civil Infraction Notice of Violation" involving a \$50.00 per day fine, and all costs associated with the City having to hire appropriate services to correct said infraction as well as a \$50.00 administrative fee.

**There shall be no further notifications from the City prior to these corrective actions being taken.**

Therefore, it is incumbent upon you to correct the infraction and contact the code enforcement official within the ten (10) calendar days to avoid any fines.

We thank you in advance for your cooperation in correcting this infraction.

Respectfully,

DANIEL M. GOMEZ  
Code Enforcement Officer, Building Services Department (269) 637-0763





































# City of South Haven

City Hall • 539 Phoenix Street • South Haven, Michigan 49090  
Telephone (269) 637-0700 • FAX (269) 637-5319

02/08/2016

NOOSBOND DAVID  
PO BOX 657  
SOUTH HAVENMI49090

Regarding: DANGEROUS BUILDING HEARING NOTIFICATION

Mr. Noosbond:

The City of South Haven's Building Inspector has found that the structure on the Subject Property identified below is dangerous and needs to be corrected as identified under "Infraction" below. You are hereby notified of the hearing date before South Haven's Hearing Officer in the Building Services Department offices. You are instructed to present yourself at said hearing to be given your opportunity to show cause why the Hearing Officer should not order the structure demolished, or otherwise made safe and maintained properly. **There shall be no further notifications from the City prior to the hearing date.**

**Subject Property:** 709 SOUTH HAVEN PL  
Tax Parcel Number: 80-53-530-002-00

**Infraction:** STRUCTURE ON PROPERTY HAS NOT BEEN MAINTAINED PROPERLY AND MUST BE REPAIRED / BROUGHT BACK INTO COMPLIANCE WITH ALL CURRENT MICHIGAN BUILDING CODES. (ORD. 570)

Additionally, this property appears to be abandoned due to accumulations of discarded items and equipt. The following conditions were observed on 02-11-16: Open window on East dormer. Deteriorated roofing with open holes on North/East roof plane. Deteriorated Foundation. Basement appears to have accumulations of trash. Main floor has construction debris and accumulated trash. Roof repair/replacement was started several years ago and work has been abandoned as roof jacks are still in place on the West side with no observed activity in over 18 months.

**Hearing Date:** Wednesday February 24, 2016 at 3:00 pm, conference room A, South Haven City Hall.

The City of South Haven asks that you please be aware of the condition of your property at all times, and that you make proper arrangements for the maintenance of it. Therefore, it is incumbent upon you to correct the infraction and contact the building official to avoid any fines. The quality of life within all of our neighborhoods depends on the cooperation of every property owner, whether residential or commercial. We thank you in advance for your cooperation in correcting this infraction.

Respectfully,

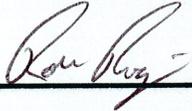
Ross E. Rogien  
Building Official, Building Services Department (269) 637-0763

# DEMOLITION NOTICE

Building Address: 709 South Haven St., South Haven, MI I.D. 80-53-530-002-00

**THIS STRUCTURE HAS BEEN DETERMINED AS A DANGEROUS BUILDING UNDER DEFINITION OF SOUTH HAVEN CITY CODE AND MICHIGAN BUILDING CODE 2012. Any entry into this building is prohibited. This structure shall be demolished and all debris removed from site on or before April 30, 2016.**

**There will be formal hearing and review of this structure on Wednesday February 24, 2016 at 3 pm in the city hall conference chambers, at which time the owner shall show due cause as to why this order should be rescinded, or demonstrate a proposed course of action towards completion of the order.**

**Posted by:**  **Building Official**

**Posting Date:** 2-08-16 4:20pm

**Minutes of Hearing Officer  
Wednesday, February 24, 2016  
3:00 p.m., Conference Room A**



**City of South Haven**

**709 South Haven Place**

Present: Butch Kelly, Hearing Officer  
Ross Rogien, Building Official  
David Noosbond, Owner of 709 South Haven Place

Kelly asked Noosbond if he is fully aware of what is happening today to which Noosbond responded he was blindsided; he had never been noticed before on condition of property. Kelly pointed out that there are a number of notices in the file to which Noosbond responded that he had been noticed for grass and weeds but not noticed about the condition of the house. Noosbond said he got the notice and was told to come to the meeting.

Noosbond said he used to live there; a lady friend of his stayed there; that's why he bought it so she would have a place to live. Said he started the roof but got busy; he has stuff stored in there and he would like to put a roof on in spring and new windows.

Kelly pointed out that Noosbond has not done anything in all this time and asked why Noosbond put it up for sale now. Noosbond responded that he would sell it for the property only and the realtor knew that. Kelly noted that this is a residential dwelling and not a storage structure and that Noosbond is in violation of the ordinance. Noosbond said he has it full of furniture and antiques and one room full of tools; he lost a lot of money due to doing some favors for a lady friend of his; then she lost everything and he lost a lot of money. Noosbond commented that he had the money in January but he bought some high risk stock options and lost money on them. Noosbond talked about high risk options; derivatives. Noosbond said he did not have a notice of demolition until this last two weeks.

Rogien asked about the back taxes to which Noosbond responded that he will see the treasurer on Monday and if he comes in with \$5,000 he is sure she will help him out. Noosbond explained that the property is over assessed; he has asked for a break on the taxes but the assessors never would give him a break and stated that he is overtaxed on it.

Kelly said he hears a lot of 'want to be able to do' but that he does not see a plan. Noosbond stated, "No one talked to me; Rogien hasn't talked to me about it; we haven't talked about it."

Kelly asked how long it would take him to get it fixed up, noting that this is a commitment. Noosbond explained that before he got the notice he had committed to take a job at Cook Nuclear; that he has a commitment with the power plant that he cannot go back on. As soon as he is out of the outage he can start; he can do the roof in a week, the following week, he can paint it and get rid of the garbage in the yard. He has the materials and shingles on site; he has labor to help him. Noosbond said he has done roofs for a long time; he has the scaffolding in his truck.

Kelly asked if there is electric and heat in the house to which Noosbond responded that the structure has been without services for at least ten years. Noosbond noted that he had the gas meter retired; he pays insurance on it; it is fully insured. Kelly said it has been a long time with no work being done. Noosbond said he was never forced to do anything until he got this notice.

Kelly asked if this was the first notice on demolition. Rogien said yes but nothing has happened; Noosbond has ignored notices about the roof jacks; the trash in the yard; the car in the yard. Kelly noted that Noosbond is going to have to have a commitment for the construction board of appeals. Kelly stated, "You better come in with a plan and a good one. My recommendation is going to be to demolish it." To which Noosbond responded he still has it for sale. Kelly noted the accumulation of back taxes for at least three years and commented, "You have talked the talk but I don't believe you will get it done."

Noosbond asked if he can do it the week after he gets out of the outage at Cook, stating that he can do the roof in a week; painting he can spray. Kelly stated, "I guess I am going to have to be the bad guy; it doesn't look like you have done anything in the past." Rogien explained that it will go to the Construction Board of Appeals.

Kelly stated, "I'm not going to let this one continue on; you can go to the Construction Board and bring a plan." Kelly noted that the city wants that parcel cleaned up and presentable, it should not be used as a storage building.

Kelly ordered a tear-down in ninety days which gets into good weather. Rogien noted it will go to the construction board of appeals. Noosbond said he can get a permit any time. Kelly said, "You need to get it done, the sooner the better. You have a responsibility there."

Kelly ordered the structure to be demolished by May 25, 2016.

### **707 Phillips Street**

Present: Callie Lousma, Owner  
Louis Mosley

Rogien explained Mr. Kelly is the hearing officer, an independent party; he reviews the order you got and ask you what kind of a plan you have to take care of the property.