

# Construction Board of Appeals

## Regular Meeting Agenda

Wednesday, June 17, 2015  
3:30 PM, Conference Room A  
City Hall, 539 Phoenix Street

City of South Haven

1. Call to Order – Chair Morse
2. Roll Call
3. Approval of Agenda
4. Approval of Minutes – February 6, 2015
5. Interested Citizens in the Audience Will be Heard on Items Not on the Agenda
6. **NEW BUSINESS**
  - a) 1008 Kalamazoo
  - b) 321 Aylworth
7. Election of Officers 2015-16
8. Adjourn

RESPECTFULLY SUBMITTED,

Linda Anderson  
Zoning Administrator

# Construction Board of Appeals (CBA)

## Regular Meeting Minutes

Friday, February 6, 2015  
3:30 PM, Conference Room A  
City Hall, 539 Phoenix Street



### 1. Call to Order by Morse at 3:30 p.m.

### 2. Roll Call

Present: Dibble, Neiphaus, Morse  
Absent: DeVinney

Also present: Ross Rogien, Building Official

### 3. Approval of Agenda

Motion by Dibble, second by Neiphaus to approve the February 6, 2015 regular meeting agenda as presented.

All in favor. Motion carried.

### 4. Approval of Minutes – May 5, 2014

### 5. Motion by Neiphaus, second by Dibble to approve the May 5, 2014 regular meeting minutes as written.

All in favor. Motion carried.

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

There were none.

### 7. NEW BUSINESS

#### a) Sherman Hills Extension Request

Anderson reviewed the Sherman Hills property extension request, reminding that there were three (3) things the applicants were required to do at the last meeting. The Tyvek, they did; the permit application, they did, but the siding, fascia and windows deadline was yesterday, February 5. On Monday, February 2 Anderson met with Doug Gritter of

Pine Creek Construction and a partner, who updated her that liens have been placed on the property and they provided documentation. Anderson explained that the request is for an extension as they are due in court the 23<sup>rd</sup> of February to try to get the lien removed. Anderson noted that Gritter's attorney believes this will wrap things up. At that point, the applicants will be able to move on with finishing the house, selling it or whatever they decide to do.

Anderson suggested the board put a reasonable deadline on the extension to give Pine Creek Construction time to finish up the things they need to do. Anderson also suggested that the board authorize the building department to add another month beyond the deadline if necessary, so if things are moving well, the board and applicant would not have to meet again.

Dibble reminded that one of the issues was the weeds around the building, and wondered if that had been taken care of. Gritter stated, "We did run a tractor and brush hog around the house and by the road." Gritter added that there is one window open because "We are exploring the option of moving the house; cutting in half and do two separate structures after the moving." Dibble asked about the foundation and in response Gritter asked if the foundation had to be removed as well, noting that his first choice is to continue on the path they are on, apologizing for the situation.

Gritter elaborated that he does not want to open up any possibility of Augie Zolezzi coming back and initiating a lawsuit with him or the city. The other two partners in Lienholders LLC were removed by the judge. "They sued me personally and sued Pine Creek Construction," Gritter explained, adding that in the course of that lawsuit Gritter learned that Augie Zolezzi had loaned the two former partners money to file the lawsuit against him. Once that was discovered the judge removed them from the partnership and now we have an interpleader lawsuit, according to Gritter. As soon as funds were available, Augie Zolezzi and Lion Financial who represents the company that leased the excavation equipment came after the proceeds. Gritter stated that he was not involved in that but his two former partners were, and Augie Zolezzi was awarded the proceeds. When Gritter filed for the title search, he discovered the illegal lien by Augie Zolezzi. Gritter informed that anyone can do that to anyone and then the owner has to defend oneself against the illegal lien.

Dibble asked who Augie Zolezzi is to which Gritter responded that Zolezzi was the original developer.

Morse asked about the lawsuit/court date. Gritter said the court hearing will be February 23 and pointed out that the Ottawa court is known to take such circumstances "under advisement" and then let their judgment be known at a later date. Gritter also pointed out that if Zolezzi does not agree with the judgment that he can appeal it.

Gritter requested a six (6) month extension, noting that this is probably longer than the board is willing grant him, but stated, "I don't want to keep coming back and revisiting this." Morse commented that the board understands the situation Gritter is in, but noted that there needs to be more dialogue. "There wasn't any, except for you coming in last Monday."

Gritter encouraged the board to look at his request as “We need to have the litigation out of the way before we can do anything; if you give me a rock-solid deadline we have to keep meeting, which takes your time and my time.”

Dibble asked what the hearing on February 23 is for and asked who would have title if the lien is removed. Gritter said he has clear title except for the illegal lien; Macatawa Bank has the first mortgage; Gritter has the second mortgage and Augie Zolezzi has the third mortgage. Gritter explained that does not entitle Zolezzi to the property, but he and his partner need the lien removed.

Dibble asked the benefit to Gritter of moving the building off the site. Gritter explained that if he could get the structure moved at a reasonable rate, he would have the benefit of the structure that has been built; his investment in the structure and roof. With the market changing there has been some activity on the property. “We met with Cindi Compton last week; we have five (5) or six (6) people initiating conversation. There has been no paperwork filed but there is interest. I spoke with two of the interested parties; the duplex has value to them. They have plans for that building.”

Dibble expressed his concern with the open foundation being left there if the structure is removed. Gritter said his first, second and third choice would be not to move it; he has also received an offer from another party who would tear it down for the materials. Gritter said he would not have a problem with the basement being removed. After a question from Anderson, Rogien said the city requires the basement to be removed as part of the demolition. Gritter asked if the walls could be pushed in and the hole filled and seeded. Rogien said he will leave it up to the board and Dibble added, “Typically that isn’t what we see.” Anderson interjected that the foundation would have to be removed and the hole filled and seeded. Gritter stated that he gets that the key is that the foundation not be a danger to the public. Dibble suggested crossing that bridge if we get to the point of removing the structure.

Morse said, “In the short term, the board needs to look at what sort of extension we want to do, and definitely, you don’t know what is going to happen at the hearing.” Morse suggested if the board granted ninety days, with Anderson having the ability to extend another month, with Gritter letting us know if there are any other delays. Gritter said he needs some time after the judge orders whatever he orders, noting that ninety days is pretty fast for the wheels of judgment. Dibble pointed out that building has been sitting there since 2008.

Gritter asked if there have been additional complaints. Anderson said she doesn’t get those complaints but she is not aware of any complaints received since the Tyvek was replaced. Gritter said he is on his own sixty-three (63) acres, not in the middle of a subdivision to which Dibble responded that people do ask what is going on, noting, “What Augie Zolezzi did wasn’t right; it ruined that property. Riverwoods has the same kind of mess although no structures.”

Gritter said Pine Creek’s goal is the riverfront access; he and his partner have had ongoing conversation with the Department of Environmental Quality (DEQ) which has agreed in writing that they would allow a canoe and kayak launch with parking on the high side, to try to have a solution to the problem that was created by Augie Zolezzi. Dibble asked if that would be open to public or just the owners in the development. Gritter said they are looking at a conservation easement on the lower part of the river

down; we have not come to terms with what all that means. Gritter noted that there is ongoing discussion; letters going back and forth; no citations; water stayed on property, all the \$40,000 in conservation easements has been taken care of so no more siltation can occur.

Motion by Dibble to give Pine Creek Construction an extension of three (3) months from yesterday (February 5, 2015) with Anderson authorized to grant a one (1) month additional extension, if needed, so a meeting would not have to be called.

Anderson clarified that anything beyond four (4) months would require another meeting. Morse asked that the board get periodic updates from the attorney.

Gritter asked about the building permit we pulled with good intention, noting, "I'd like to ask that the building permit be extended." Rogien said that is no big deal and there is no fee to do that. Anderson pointed out that the building permit expires automatically in one (1) year and noted that Gritter would need to give Rogien a call and ask him to extend it. Gritter would like the understanding that if in ninety (90) days we get that word it would take another month.

Neiphaus asked Gritter if he is financing this all by himself to which Gritter responded no. Neiphaus asked, "Where are your partners?" Gritter responded, "My original partners, Jay Millbocker and Jeff Voss (C&E) were terminated from the partnership because they put no money in for six (6) years. The judge terminated the partnership. That brought on Augie Zolezzi loaning them the \$25,000 with the understanding that Zolezzi would get \$50,000 when the partners settled. Gritter stated that one of his other partners, Ron Brower, was here on Monday, but today is on his way to Mexico to open a school he has been building for six (6) years and "Gord" has been on vacation but is on the way back. Gritter is the main partner of a 4-way partnership in Pine Creek Construction.

Neiphaus seconded Dibble's motion.

Anderson said at the end of that time, if necessary, we will meet with the owner again and reminded that nothing can happen beyond four (4) months without CBA approval.

Morse called the vote:

All in favor. Motion carried.

## **8. Adjourn**

Motion by Neiphaus, second by Dibble to adjourn at 4:08 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom  
Recording Secretary

# Construction Board of Appeals

## Regular Meeting Minutes

Wednesday, November 6, 2013  
4:00 PM, Conference Room A  
City Hall



### 1. Call to Order by Morse at 4:00 P.M.

### 2. Roll Call

Present: Dibble, DeVinney, Niephaus, Morse  
Absent: None

Also present: Butch Kelly, Hearing Officer; Ross Rogien, Building Official; Linda Anderson, Zoning Administrator

### 3. Approval of Agenda

Motion by Dibble, second by DeVinney to approve the November 6, 2013 agenda as presented.

All in favor. Motion carried.

### 4. Approval of Minutes – May 31, 2013

Upon question, Anderson updated the board on the status of the dangerous building located at 335 Center Street, noting that the site has been approved by the State for a grant for removing blight in central business districts. According to her contact at the state, funding for the demolition will be released soon.

Motion by DeVinney, second by Niephaus to approve the May 31, 2013 meeting minutes as written.

All in favor. Motion carried.

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

There were none.

## **6. NEW BUSINESS**

### **229 Elkenburg**

James Karris, Owner, 229 Elkenburg. Noted that he has a plan in place which Benno Trenkle was supposed to present details about at the last meeting.

Hearing Officer's Report:

Butch Kelly: Pointed out that the owner's representative, Benno Trenkle, acknowledged all of the items checked on the "Hearing Officer Decision & Order" provided at the hearing. "There was no plan to move forward and it appeared there had been no attempt at all to contact the city regarding notices or to contact the Building Official." Kelly continues to support the condemnation order.

When asked, Anderson reviewed the two options that the Construction Board of Appeals has from the City Code;

- 1.) Uphold the recommendation to demolish or
- 2.) Modify the recommendation to allow repair within the time limits outlined within the City Code of Ordinances

If the Construction Board recommends repair and restoration, the work must be completed within sixty (60) days or the property automatically goes to demolition, according to Anderson.

Anderson reminded the board that if demolition is ordered, the owner has twenty-one (21) days to comply; if not city will proceed with demolition.

DeViney noted that the notice from July 17, 2013 lists the hearing date as July 29, 2011 and inquired whether that was corrected. Anderson stated that was likely a typographical error and the owner's representative, Benno Trenkle, did respond and did appear at the hearing despite that error. Discussion ensued regarding the number and timing of notices sent out and those notices included in the agenda packet. Karris stated he had not received a copy of the agenda. While the agenda had been sent to Karris as well as a notice of today's meeting, a paper copy of the agenda was provided Karris for use at the meeting.

James Karris, owner 229 Elkenburg. "First off, my understanding was that some repairs were being done but they weren't?" Rogien said there were a couple of blue tarps hung over two of the windows after the notice to board up the broken windows was sent out. Discussion ensued regarding the partial demolition of a roof over a loading dock. Karris stated that his "potential tenant" removed the roof sometime in the last month. Rogien noted that it must have been done very recently and that the dock itself is falling apart.

Karris stated that he contacted Courtade Demolition out of Grand Rapids; Karris was supposed to meet with someone from Courtade last week but now will meet the first of next week, Karris noted that he is aware there is some asbestos and oil drum remediation that will be required and that he has spoken with Mark Finklestein of Edmark Development, a property management company from Grand Rapids. Karris

noted that Edmark is all up on hazardous waste remediation. Also mentioned Pitsch Demolition in regards to his plan to demolish all but the rear portion of the building, which Karrip believes is salvageable and a foundation in the back of the building. Karrip showed the board an aerial photograph from the agenda packet and indicated what he considers a usable portion of the building plus the foundation. Karrip indicated that he has plans to place a new building, a pole barn, on the existing foundation. Karrip asked if the board knew Arnie from Lovejoy, Inc., stated "Arnie" was formerly with Lovejoy but has split off and is now with a new company.

Karrip reiterated that he will take everything down except the foundation in the rear and one outbuilding. Karrip would like to turn the outbuilding, which is in very good condition, into a retail shop, as from the inside it seems like new. Rogien commented that he was unable to enter that building as it was locked; the main structure was open.

Karrip then indicated that he wants to get a Brann's restaurant and some retail stores on the site, noting that he has been talking with Paul VandenBosch (Project Manager and Assistant City Manager, City of South Haven) and working with him on the piece of property the city needed for the trail. Karrip stated that he owns the deed to that and he let the city take it for eminent domain. Says he talked to VandenBosch and Brian Dissette (City Manager, City of South Haven) and that he did not object to the eminent domain because it is a huge benefit to the city and to him. Karrip noted that if the board wants to get him bogged down in some kind of legalities regarding this property that he can commence legal action against the city regarding the property.

Anderson pointed out that restaurants and retail are not allowed in the zone in which the property in question is located. Karrip responded, "Then why did they tell me that they would like to see a Brann's on that site?" Anderson suggested that the owner could try to rezone the property once the existing structures are demolished. Karrip requested what zone the property is in, to which Anderson responded that it is zoned Industrial. There is time involved in rezoning, according to Anderson, and this process with the dangerous buildings could not be held this for that process. Anderson noted that a rezoning request has to go to Planning Commission for public hearing and to two (2) City Council meetings.

Karrip asked why the City Manager, VandenBosch and the Mayor led him down the wrong trail; stated that he has been in conversation with them and does not understand why the city officials said they would like to see a restaurant there. Anderson said they might like to see those things there but the present zoning will not permit such development.

Karrip asked if some sort of mixed use would be allowed. Anderson said you might be able to do a mixed use Planned Unit Development, but again explained that the process being addressed at this meeting cannot be held up while research into the possibility of mixed uses and rezoning is being done.

Dibble stated that according to the notices and paperwork at hand, the owner was informed that in twenty-one (21) days the building will have to be torn down. Karrip said he will have to meet with his counsel, in that case.

Karrip suggested that everyone start over and asked “What should I do next, rezoning or demolition? Partial demolition?” Anderson said this board has met to determine whether the buildings need to be demolished; “once you tear the building down you will have plenty of time to get it rezoned”.

Karrip said his “demo guy” thought it would take sixty (60) to ninety (90) days before he could even pull the permit because there will need to be environmental studies and asbestos testing and there are those oil barrels; need to find out what is in them. There was discussion of whether plating was done on the site; that gun stocks were manufactured there during World War II, and that later picture frames were manufactured on that site.

Anderson noted that the decision of demolition, partial demolition or a combination of repair and demolition is up to the members of the board and they will be interested in seeing a very tight schedule; a hard and fast schedule. Karrip said, “Maybe it would be cheaper to have the City pull it down.”

For the sake of discussion, Karrip said he has a lot invested in this property, noted that for him it all about the money. Karrip asked for sixty (60) days.

Dibble asked if the existing foundation is up to code. After discussion regarding getting a structural engineer’s report regarding the foundation, and whether pole barns can be built on existing foundations, Rogien noted that this discussion is a side issue to the bigger conversation.

Karrip asked if he could do the industrial and the restaurant. Anderson stated that she tried to look for a mixed use or Planned Unit Development (PUD) option but is not finding anything like that in the Industrial zone. Anderson said, “You might want to keep the industrial zoning and rezone the balance of the property to B-2. For B-2 public access to both sides of the property would be necessary.” She repeated that that discussion was not relevant to this meeting.

DeViney asked Anderson to remind the board again of the two options. Anderson first pointed out that both Rogien (Building Official) and Kelly (Hearing Officer) determined the building needed to be demolished due to its condition. The board’s options are to uphold the Hearing Officer’s decision to demolish or to modify the judgment and order that repairs be made within sixty (60) days. Anderson again stated that the zoning issue is an “after the fact” discussion.

Karrip stated that he understands that and repeated that the board needs to decide whether he is to demolish the buildings or to give him sixty (60) days to make corrections.

Karrip said, “The city’s cost to demolish this will be lower than mine, so explain to me why I would do this?” Anderson explained that the cost to Karrip will not be lower than if he does it himself, and explained that hazardous material and environmental testing will have to be done, requests for bid prepared and sent out, and the city will put a surcharge on top of whatever the demolition cost will be, to cover all of the background work required in a demolition of this size. Anderson noted that this project has a different scope than the city demolishing a residential structure. She also added that Karrip would

incur additional legal fees if the city was required to petition circuit court for a demolition order.

Karrip said, "Let us agree that we are not going to repair anything, and I get a permit for a demolition." Rogien said they have been promised permits for repairs from Trenkle but we did not get any permit applications nor was any repair completed. Karrip said he is going to contract Courtade to do that.

Dibble asked Karrip whether he was told to provide architectural drawings at this meeting. Karrip stated that he has thirty thousand dollars (\$30,000) tied up in plans and drawings, "he's working on them," but Karrip does not have anything with him.

Dibble commented that it is probably better to let the owner do the demolition. Anderson noted that this project would potentially take longer to have the city demolish it since the city would have to go to circuit court to get the judge's order.

Niephaus asked Karrip if he had a quote on the demolition. Karrip stated that he does not but when he talked to one of his demo guys he was told that the brick has value, that it could be sold, or maybe the "demo guys" would salvage the brick for part of their cost. Dibble noted that likely only about ten percent (10%) of the bricks will be salvageable. Karrip again mentioned Courtade Demolition and Edmark Development out of Grand Rapids and stated he did not know which one, he thinks it was one of them, that he talked to about the bricks.

Niephaus said, "What I am hearing is 'nothing'. Right now, right here, what can you tell me? You do not know what it costs to demolish it; you think you want to save a couple of things, you do not have a plan." Karrip: "Maybe". Niephaus said, "Maybe is not sufficient for this board." Karrip said he wants to tear it all down except to leave the foundation for Arnie's business.

DeVinney asked for clarification that if the board allows Karrip to tear this structure down he has twenty-one (21) days. Anderson said that is correct but that she realizes that is a very short deadline for something of this scope and expects that it will take longer. In that case, Anderson stated, the city would need a hard and fast timeline with set deadlines.

Karrip commented that he is very transparent.

Anderson explained to Karrip that if he does not do the project in the time the board determines, then the city will have to come in and do the demolition themselves. Karrip repeated his comments about getting someone, Courtade or maybe Pitsch Demolition, to tear it down.

Niephaus asked if he has a brochure about the demolition person. Karrip said he doesn't but stated that Courtade is pretty well known. Niephaus responded, "He's not that well known to me."

Dibble again asked about architectural drawings and asked Karrip whether he has already spent the \$30,000 to get architectural drawings started. Karrip said he had not at

which time Dibble pointed out that Karrip had said earlier that he already had \$30,000 into the project.

Anderson said, "All this group is concerned with is whether they are going to require demolition of the entire property or require repair."

Dibble stated he would make a motion that they would require demolition of everything but the foundation and require Karrip to determine if the foundation is reliable. Morse said there would need to be a report from a structural engineer submitted to the city. Devinney commented that the owner doing the demolition would be faster than the city doing it as well as less expensive and the board needs to have some specific dates to be met in the process. Then if the terms are not met the city would have to step in. Anderson agreed and noted that the board needs to set those dates.

Morse asked how the owner could demonstrate that he is meeting the goals within a timeline. Rogien said Karrip did not meet the last goal and today came without anything for the board. Rogien noted to Karrip that if his plan is to demolish the building he should have had his demolition guy set up to start the project.

Karrip asked what all is required. Rogien noted that the demolition application includes a checklist of all the requirements.

Dibble asked for clarification of how long it would take the city if they started this process. "We are required," per Anderson, "to give him twenty-one (21) days; if the demotion is not done, the city turns the issue over to their attorney; the attorney files the case in circuit court and at that time the city would probably start taking bids. As soon as the judge issues the order for demolition, the city would move to demolish the structure. Anderson noted that process would probably take about two (2) to three (3) months to start demolition. "Including environmental?" Dibble questioned. Anderson said that depends on what the environmental report shows. Karrip said he spoke with Courtade last week; stated that there was environmental work done and that building is clean; "there is maybe ten percent (10%) asbestos at most in the building." Karrip noted that he was told that and he has documents that say that.

Karrip asked how it would be if he filed an appeal in circuit court. Anderson said he can appeal to circuit court at any time but there were no guarantees with that option. "We would rather see you take it down."

DeVinney addressed Karrip and said, "The worst part would be if you get half of it down and then cannot finish it." Karrip said that would not happen, "Courtade is a well-known demo guy, that will not happen." Rogien declared that he has seen stranger things happen.

Dibble said the board needs to have a demolition permit filed. "We do not want to wait sixty (60) or ninety (90) days and find out nothing has been done." Karrip said that there was a clean environmental on the asbestos; said there is less than ten percent (10%) asbestos. Dibble noted that Karrip would need to provide that documentation to the demolition contractor and to the city.

November 6, 2013  
Construction Board of Appeals  
Regular Meeting Minutes  
DRAFT

Anderson reiterated that the city code says the building must be torn down completely in twenty-one (21) days, which is unreasonable in this case, but we do not want to be ninety (90) days from now with nothing done.” Rogien said he needs an end date. Morse said he would like to see it torn down completely and the property leveled and seeded in no longer than ninety (90) days.

DeVinney suggested the board set a permit date, a start demolition date and an end demolition date. Niephaus and Rogien say that is reasonable. The board consulted a calendar and decided that a demolition permit, obtained by the demolition company, must be acquired by November 20, 2013. Dibble said the city also needs a signed contract from the demolition company by November 20. DeVinney asked when the board wants physical demolition to begin. The board agreed that on or before December 4, 2013 with a demolition end date of February 6, 2014.

Motion by Dibble, second by DeVinney that by November 20, 2013 a signed contract and a signed demolition permit must be submitted by the contractor; that demolition must start on or before December 4, 2013 and by February 6, 2014 the demolition, including all land leveling and preparation for seeding must be complete according to the standards set forth in city code.

Ayes: Dibble, DeVinney, Morse, Niephaus. Nays: None. Motion carried.

## **7. Adjourn**

Motion by Niephaus, second by Dibble to adjourn at 5:00 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom  
Recording Secretary



City of South Haven

## Agenda Item #6a 1008 Kalamazoo Street

**Background Information:** On April 29, 2015, Ross Rogien, city building official, sent a certified letter to Betty Clark concerning the condition of the building at 1008 Kalamazoo Street. The city code enforcement officer has been trying to work with the owner since 2008 hoping to establish a timetable to make repairs or demolish the building. Those efforts met with little success.

The city scheduled the Hearing Officer to meet with the city and the property owner on May 18, 2015. The property owner was noticed of the meeting by certified mail but did not attend. At the meeting, the Hearing Officer, Butch Kelley, upheld the building inspector's decision that the building at 1008 Kalamazoo Street needed to be demolished. He gave the owner until June 8, 2015 to carry out the order. To date, no demolition permit has been issued for the building.

In accordance with the City Code of Ordinances, Article IX, Dangerous Buildings and Structures, Sec. 10-226, the city shall now convene the construction board of appeals (CBA) to hear the final local appeal to the demolition order. Attached to this agenda, you will find the cost comparison for repair and for demolition as prepared by John Brush as well as the city assessor's determination of value.

**Recommendation:** Staff recommends that the CBA uphold the hearing officer and John Brush report to demolish the building at 1008 Kalamazoo Street.

**Support Material:**

- Building Official letter and posting
- Hearing Officer's Findings
- Hearing Officer's report
- Minutes of the Hearing Officer Meeting
- Cost comparison worksheet (by City Assessor)
- Photos

RESPECTFULLY SUBMITTED,

Linda Anderson  
Zoning Administrator



# City of South Haven

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

April 23, 2015

Betty Clark  
P.O. Box 20045  
Kalamazoo, MI 49019-1045

Re: Demolition Notice - 1008 Kalamazoo St, South Haven, MI  
Property I.D. – 80-53-200-038-00

Ms. Clark:

The structure(s) on the property referenced above have been abandoned now for several years and are in such state of disrepair that they warrant full demolition and removal of all debris.

We have scheduled a formal hearing with an independent code official who shall review the order with you or your authorized representative on Monday May 18, 2015, at 4pm-to be held at the conference chambers at South Haven City Hall.

At that time it would be up to you to show cause as to why this order shall not be upheld, or offer an action plan for completion of the demolition on or before June 3, 2015.

The city of South Haven asks that all property owners please be aware of the condition of their properties, and take steps to properly secure and maintain them so as to not be a safety and/or health hazard to the general public or neighboring property owners.

Please make every effort to be in attendance at the hearing as this will be your only opportunity show cause for recinding the order at hand.

Respectfully,

A handwritten signature in black ink, appearing to read 'Ross E. Rogien', is written over the word 'Respectfully'.

Ross E. Rogien - Building Official    EM: [rrogien@south-haven.com](mailto:rrogien@south-haven.com)  
Ph: 269-637-0789

# **DEMOLITION NOTICE**

Building Address: 1008 Kalamazoo St., South Haven, MI I.D. 80-53-200-038-00

**THIS STRUCTURE HAS BEEN DETERMINED AS A DANGEROUS BUILDING UNDER DEFINITION OF SOUTH HAVEN CITY CODE AND MICHIGAN BUILDING CODE 2009.**

**Any entry into this building is prohibited. This structure shall be demolished and all debris removed from site on or before June 3, 2015.**

**There will be formal hearing and review of this structure on Monday May 18, 2015 at 4 pm in the city hall conference chambers, at which time the owner shall show due cause as to why this order should be recinded, or demonstrate any course of action towards completion of ordered demolition.**

Posted by:  Building Official

Posting Date: 4-29-15



# City of South Haven

City Hall • 539 Phoenix Street • South Haven, Michigan 49090-1499  
Telephone (269) 637-0760 • Fax (269) 637-5319

## MEMORANDUM

To: Betty Clark  
From: Linda Anderson  
Re: 1008 Kalamazoo Street  
Date: May 19, 2015

Attached you will find the minutes of the May 18, 2015 meeting with the city hearing officer concerning your property at 1008 Kalamazoo in the City of South Haven. Also enclosed is a copy of the hearing officer's findings which order demolition of the building on or before June 8, 2015.

The city will convene a meeting of the construction board of appeals to confirm or reject the hearing officer's findings on or soon after June 17, 2015. You will be notified of the meeting and encouraged to attend.

Thank you for your cooperation in this matter

Linda Anderson  
City Planner and Zoning Administrator



# City of South Haven

## Building Services Department

City Hall • 539 Phoenix Street • South Haven, Michigan 49090-1573  
Telephone (269) 637-0789 • Fax (269) 637-5319

### DANGEROUS BUILDING ORDINANCE HEARING OFFICER DECISION & ORDER

Hearing Date: 5.18.15 Subject Property: 1008 Kalamazoo

Owner or Owner's Representative Present: NO SHOW

Owner / Representative Address: NO SHOW

Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

**FINDINGS - The Owner / Representative agrees (yes) or disagrees (no) to the following: YES NO**

That he/she received notice of the hearing .....  YES  NO

That he/she understands the purpose of this hearing .....  YES  NO

That the subject property is in violation of one or more City Codes .....  YES  NO

That the subject property does not have an operable kitchen .....  YES  NO

That the subject property does not have an operable bathroom .....  YES  NO

That the subject property does not have a fully functioning electrical system .....  YES  NO

That the subject property does not have a fully functioning mechanical system .....  YES  NO

That dangerous conditions exist on the subject property .....  YES  NO

**Decision & Order:** The below signed Hearing Officer does hereby order the owner of the subject property...

To repair the subject property so that it meets the current Michigan Building Code.

To demolish the subject property pursuant to the City's Demolition Specifications.

To \_\_\_\_\_

This order is to be completed by the date stated below or the City shall subsequently forward this case to the Construction Board of Appeals with an order for demolition of the subject property.

By: Butch Kelley  
Butch Kelley, City of South Haven Hearing Officer

Above Order to be completed by: June 8, 2015  
Date

CITY OF SOUTH HAVEN  
DANGEROUS BUILDING ORDINANCE  
HEARING OFFICER DECISION & ORDER

Meeting Date: *5-18-15*

Hearing Officer: *Butch Kelley*

Subject Property: *1008 Kalamazoo*

Owner or Owner's Representative Present: *Betty Clark*

Owner or Representative Received Notice of Hearing: *NO Show*

Findings of Fact: *Reviewed File*

Decision and Order: *order Demolition no later than June 8, 2015*

  
Butch Kelley  
Hearing Officer

*5-18-15*  
Date

## Hearing Officer

### Minutes

**Monday, May 18, 2015**  
**3:00 PM, Building Services Department**  
**City Hall, 539 Phoenix Street**



Present: Butch Kelly, City of South Haven Hearing Officer; Linda Anderson, Building & Zoning Administrator

Also present: Ross Rogien, Building Official

**321 Aylworth:** Applicant was not present. Butch Kelly stands by the city building official's order for demolition. Demolition to occur on or before June 8, 2015.

**1008 Kalamazoo:** Applicant was not present but they called Linda Anderson last week and said they were taking bids from demolition contractors; asked if they need to appear. Anderson told them no, not if they intended to demolish, but they need to move quickly as the process will continue. Butch Kelly stands by the building official's order and he ordered demolition by June 8, 2015.

### Adjourn

The meeting was adjourned at 3:05 p.m.

RESPECTFULLY SUBMITTED,

Marsha Ransom  
Recording Secretary

**CITY OF SOUTH HAVEN**

**1008 Kalamazoo Street**  
**COMPARISON SHEET**

**OF**  
**STATE EQUALIZED VALUE OF BUILDING OR STRUCTURE**  
**TO ITS**

**ESTIMATED COST OF REPAIR**

PURSUANT TO SECTION 10-227 OF THE DANGEROUS BUILDINGS AND STRUCTURES ORDINANCE

The following calculation is presented to accurately compare the values as called for by the above referenced ordinance. The State Equalized Value (SEV) includes both the building or structure value along with the land value, and it is published by the Assessor's Office. This same source also publishes the Land Value alone. However the Land Value represents the anticipated value of the land if it were sold on the open market, while the SEV represents approximately half of what the property (with building or structure) would sell for on the open market. Therefore, the Land Value must be divided by two and subtracted from the SEV to accurately obtain the value that represents the SEV of the building or structure on the property. The ordinance then calls for the comparison of the estimated cost of repair to the SEV of the building or structure. If the repair estimate exceeds the SEV of the building or structure (which is approximately half the open market sales value), then the condition exists for "a rebuttable presumption that the building or structure requires immediate demolition".

PLEASE NOTE: This comparison does not prevent an order of demolition if the estimated cost of repair is less than the SEV, but rather allows the Construction Board of Appeals to order compliance with the order within 21 days instead of the 60 days prescribed by the ordinance.

A. State Equalized Value of subject property .....	<u>38,300</u> <sup>NB</sup>
B. Assesor's Land Value .....	<u>15,000</u> <sup>NB</sup>
C. Land Value divided by two .....	<u>7,500</u> <sup>NB</sup>
D. SEV of building or structure (Property SEV minus half of Land Value) .....	<u>30,800</u> <sup>NB</sup>
E. Estimated Cost of building or structure repair .....	<u>T.B.D. at mtg.</u>

If the value on line 'E' above exceeds the value on line 'D' above, then "a rebuttable presumption that the building or structure requires immediate demolition exists".

\_\_\_\_\_ The Construction Board of Appeals may order the demolition with a 21 day time limit.

\_\_\_\_\_ The Construction Board of Appeals may not order the demolition with less than a 60 day time limit.

Prepared by:  Date: 6/4/15





































City of South Haven

## Agenda Item #6b 321 Aylworth Avenue

**Background Information:** On May 4, 2015, Ross Rogien, city building official, sent a certified letter to Betty Clark concerning the condition of the building at 321 Aylworth. This is a vacant nonresidential building in a residential zone.

The city scheduled the Hearing Officer to meet with the city and the property owner on May 18, 2015. The property owner was noticed of the meeting by certified mail but did not attend. At the meeting, the Hearing Officer, Butch Kelley, upheld the building inspector's decision that the building at 321 Aylworth needed to be demolished. He gave the owner until June 8, 2015 to carry out the order. To date, no demolition permit has been issued for the building.

In accordance with the City Code of Ordinances, Article IX, Dangerous Buildings and Structures, Sec. 10-226, the city shall now convene the construction board of appeals (CBA) to hear the final local appeal to the demolition order. Attached to this agenda, you will find the cost comparison for repair and for demolition as prepared by John Brush as well as the city assessor's determination of value.

**Recommendation:** Staff recommends that the CBA uphold the hearing officer and John Brush report to demolish the building at 321 Aylworth Avenue.

**Support Material:**

Building Official letter and posting  
 Hearing Officer's Findings  
 Hearing Officer's report  
 Minutes of the Hearing Officer Meeting  
 Cost comparison worksheet (by City Assessor)  
 Photos

RESPECTFULLY SUBMITTED,

Linda Anderson  
 Zoning Administrator



# City of South Haven

City Hall • 539 Phoenix Street • South Haven, Michigan 49090-1499  
Telephone (269) 637-0700 • FAX (269) 637-5319

May 4, 2015

Mary Smith  
231 Chippewa  
Benton Harbor, MI 49022

Re: Demolition Notice - 321 Aylworth Ave., South Haven, MI  
Property I.D. – 80-53-200-087-00

Ms. Smith:

The structure(s) on the property referenced above have been abandoned now for several years and are in such state of disrepair that they warrant full demolition and removal of all debris.

We have scheduled a formal hearing with an independent code official who shall review the order with you or your authorized representative on Monday May 18, 2015, at 4pm-to be held at the conference chambers at South Haven City Hall.

At that time it would be up to you to show cause as to why this order shall not be upheld, or offer an action plan for completion of the demolition on or before June 3, 2015.

The city of South Haven asks that all property owners please be aware of the condition of their properties, and take steps to properly secure and maintain them so as to not be a safety and/or health hazard to the general public or neighboring property owners.

Please make every effort to be in attendance at the hearing as this will be your only opportunity show cause for rescinding the order at hand.

Respectfully,

Ross E. Rogien - Building Official    EM: [rogien@south-haven.com](mailto:rogien@south-haven.com)  
Ph: 269-637-0789

# **DEMOLITION NOTICE**

Building Address: 321 Aylworth St., South Haven, MI I.D. 80-53-200-087-00

**THIS STRUCTURE HAS BEEN DETERMINED AS A DANGEROUS BUILDING UNDER DEFINITION OF SOUTH HAVEN CITY CODE AND MICHIGAN BUILDING CODE 2009.**

**Any entry into this building is prohibited. This structure shall be demolished and all debris removed from site on or before June 3, 2015.**

**There will be formal hearing and review of this structure on Monday May 18, 2015 at 4 pm in the city hall conference chambers, at which time the owner shall show due cause as to why this order should be recinded, or demonstrate any course of action towards completion of ordered demolition.**

Posted by:  Building Official

Posting Date: 4-29-15



# City of South Haven

---

City Hall • 539 Phoenix Street • South Haven, Michigan 49090-1499  
Telephone (269) 637-0760 • Fax (269) 637-5319

## MEMORANDUM

To: Mary Smith  
From: Linda Anderson  
Re: 321 Aylworth Avenue  
Date: May 19, 2015

Attached you will find the minutes of the May 18, 2015 meeting with the city hearing officer concerning your property at 321 Aylworth in the City of South Haven. Also enclosed is a copy of the hearing officer's findings which order demolition of the building on or before June 8, 2015.

The city will convene a meeting of the construction board of appeals to confirm or reject the hearing officer's findings on or soon after June 17, 2015. You will be notified of the meeting and encouraged to attend.

Thank you for your cooperation in this matter

Linda Anderson  
City Planner and Zoning Administrator



# City of South Haven

## Building Services Department

City Hall • 539 Phoenix Street • South Haven, Michigan 49090-1573  
Telephone (269) 637-0789 • Fax (269) 637-5319

### DANGEROUS BUILDING ORDINANCE HEARING OFFICER DECISION & ORDER

Hearing Date: 5.18.15 Subject Property: 321 Aylworth

Owner or Owner's Representative Present: NO Show

Owner / Representative Address: NO Show

Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

**FINDINGS - The Owner / Representative agrees (yes) or disagrees (no) to the following:**    YES    NO

That he/she received notice of the hearing ..... X    \_\_\_

That he/she understands the purpose of this hearing ..... X    \_\_\_

That the subject property is in violation of one or more City Codes ..... ?    \_\_\_

That the subject property does not have an operable kitchen ..... ?    \_\_\_

That the subject property does not have an operable bathroom ..... ?    \_\_\_

That the subject property does not have a fully functioning electrical system ..... 0    \_\_\_

That the subject property does not have a fully functioning mechanical system ..... \_\_\_    \_\_\_

That dangerous conditions exist on the subject property ..... \_\_\_    \_\_\_

**Decision & Order:** The below signed Hearing Officer does hereby order the owner of the subject property...

\_\_\_ To repair the subject property so that it meets the current Michigan Building Code.

X To demolish the subject property pursuant to the City's Demolition Specifications.

\_\_\_ To \_\_\_\_\_

This order is to be completed by the date stated below or the City shall subsequently forward this case to the Construction Board of Appeals with an order for demolition of the subject property.

By: Butch Kelley  
Butch Kelley, City of South Haven Hearing Officer

Above Order to be completed by: June 8-2015  
Date

CITY OF SOUTH HAVEN  
DANGEROUS BUILDING ORDINANCE  
HEARING OFFICER DECISION & ORDER

**Meeting Date:** *5-18-15*

**Hearing Officer:** *Butch Kelley*

**Subject Property:** *321 Aylworth*

**Owner or Owner's Representative Present:** *Mary Smith*

**Owner or Representative Received Notice of Hearing:** *NO Show*

**Findings of Fact:** *Reviewed file*

**Decision and Order:** *order demolition no later than JUNE 8, 2015*

*Butch Kelley*  
\_\_\_\_\_  
**Butch Kelley**  
**Hearing Officer**

*5-18-15*  
\_\_\_\_\_  
**Date**

## Hearing Officer

### Minutes

**Monday, May 18, 2015**  
**3:00 PM, Building Services Department**  
**City Hall, 539 Phoenix Street**



Present: Butch Kelly, City of South Haven Hearing Officer; Linda Anderson, Building & Zoning Administrator

Also present: Ross Rogien, Building Official

**321 Aylworth:** Applicant was not present. Butch Kelly stands by the city building official's order for demolition. Demolition to occur on or before June 8, 2015.

**1008 Kalamazoo:** Applicant was not present but they called Linda Anderson last week and said they were taking bids from demolition contractors; asked if they need to appear. Anderson told them no, not if they intended to demolish, but they need to move quickly as the process will continue. Butch Kelly stands by the building official's order and he ordered demolition by June 8, 2015.

### Adjourn

The meeting was adjourned at 3:05 p.m.

RESPECTFULLY SUBMITTED,

Marsha Ransom  
Recording Secretary

**CITY OF SOUTH HAVEN**

**321 Aylworth**  
**COMPARISON SHEET**

**OF**  
**STATE EQUALIZED VALUE OF BUILDING OR STRUCTURE**  
**TO ITS**  
**ESTIMATED COST OF REPAIR**

PURSUANT TO SECTION 10-227 OF THE DANGEROUS BUILDINGS AND STRUCTURES ORDINANCE

The following calculation is presented to accurately compare the values as called for by the above referenced ordinance. The State Equalized Value (SEV) includes both the building or structure value along with the land value, and it is published by the Assessor's Office. This same source also publishes the Land Value alone. However the Land Value represents the anticipated value of the land if it were sold on the open market, while the SEV represents approximately half of what the property (with building or structure) would sell for on the open market. Therefore, the Land Value must be divided by two and subtracted from the SEV to accurately obtain the value that represents the SEV of the building or structure on the property. The ordinance then calls for the comparison of the estimated cost of repair to the SEV of the building or structure. If the repair estimate exceeds the SEV of the building or structure (which is approximately half the open market sales value), then the condition exists for "a rebuttable presumption that the building or structure requires immediate demolition".

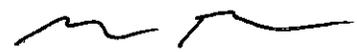
PLEASE NOTE: This comparison does not prevent an order of demolition if the estimated cost of repair is less than the SEV, but rather allows the Construction Board of Appeals to order compliance with the order within 21 days instead of the 60 days prescribed by the ordinance.

A. State Equalized Value of subject property .....	<u>18,600</u> <sup>NB</sup>
B. Assessor's Land Value .....	<u>12,933</u> <sup>NB</sup>
C. Land Value divided by two .....	<u>6,466</u> <sup>NB</sup>
D. SEV of building or structure (Property SEV minus half of Land Value) .....	<u>12,134</u> <sup>NB</sup>
E. Estimated Cost of building or structure repair .....	<u>TBD at mtg</u>

If the value on line 'E' above exceeds the value on line 'D' above, then "a rebuttable presumption that the building or structure requires immediate demolition exists".

\_\_\_\_\_ The Construction Board of Appeals may order the demolition with a 21 day time limit.

\_\_\_\_\_ The Construction Board of Appeals may not order the demolition with less than a 60 day time limit.

Prepared by:  Date: 6/4/15























