

Construction Board of Appeals

Regular Meeting Agenda

Wednesday, July 27, 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** - July 13, 2016
5. **Public Comment**
6. **NEW BUSINESS**
 - a) 310 Edgell – demolition order
 - b) 416 Humphrey – demolition order
7. **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, July 13, 2016
3:00 PM, Conference Room A
City Hall, 539 Phoenix Street



1. Call to Order by Co-chair Dibble at 3:06 p.m.

2. Roll Call

Present: Heinig, Stickland, Dibble
Absent: Morse

Also present: Tony Marsala, Fire Marshall; Ross Rogien, Building Official; Linda Anderson, Zoning Admin.

3. Approval of Agenda

Motion by Heinig, second by Stickland to approve the July 13, 2016 regular meeting agenda as presented.

All in favor. Motion carried.

4. Approval of Minutes – June 1, 2016

Motion by Stickland, second by Heinig to approve the June 1, 2016 regular meeting minutes as written.

All in favor. Motion carried.

5. Public Comment

None at this time.

6. NEW BUSINESS

1600 and 1800 Second Avenue: Hanson Cold Storage requests an exception for sprinkling the freezer areas

When it was apparent the applicants were not going to attend, Dibble asked the opinion of Fire Marshall Marsala who responded that if everything is exactly as was first

presented to him, he has no problem with the request. He wondered if the planning commission or ZBA had required any changes.

Anderson stated this is the first board of review for the project. Rogien noted if the construction drawings match what they reviewed previously he is fine with the variance.

Anderson explained any motion could be made contingent on the approval of the Fire Marshall and the Building Official reviewing larger scale drawings. Marsala reiterated that as long as nothing has changed he is okay.

Dibble asked if egress is acceptable; whether the distances for travel meet the egress for code. Rogien stated he would prefer to again see the construction drawings because it's been too long.

Dibble said it appears that Hansons have done this (built similar freezer storage structures) in various locations. Dibble noted that he understands that the rest of the building will be sprinkled with the exception of the freezer storage area.

Dibble asked about the stand pipes outside which Marsala explained makes it possible for firefighters not to have to drag lines for such long distances.

Dibble asked if the knock-out panels Marsala saw are in an area Marsala is comfortable with to which Marsala said they were and Stickland noted them as being one hundred feet apart.

Dibble asked if the rating on the fire wall is adequate and discussion ensued about where the various ratings are located and which areas of the building are sprinkled.

Marsala asked about cylinder storage and anhydrous and was told there would be very little on site, but noted they should be in the suppressed area. Stickland said they made reference to a mechanical room and Dibble pointed out material handling is shown with the mechanical room. Marsala wanted to make sure they are doing warning systems that monitor ion purge. Rogien pointed out that is under Tab 4 (in binders provided by Hansons) which tells which rooms will have fire suppression. Rogien noted he was searching for the references to the gasses in the binder.

Stickland asked if there was more than one dock and Dibble noted there is another dock in the back in addition to the docks in the front.

Anderson reminded that this request is simply for the board to determine whether they are going to give Hansons a variance from sprinkling the freezer area. Plan review by the building inspector will be completed later. Stickland suggested a motion contingent on large scale plans being approved by the fire marshall and building official. Anderson said if the large drawings are not spot-on, this request will come back to the Construction Board of Appeals.

Dibble noted that we can approve it because there are alternate provisions made.

Motion by Stickland to approve the variance to eliminate a suppression system in the freezer contingent on the approval of the Building Official and Fire Marshall of alternate provisions provided.

Discussion ensued regarding various alternate systems, argon, chemical, nitrogen, etc. Dibble noted that he likes the alternative means provided in their plans.

Second by Heinig.

All in favor. Motion carried.

7. Adjourn

Motion by Heinig, second by Stickland to adjourn at 3:29 p.m.

All in favor. Motion carried.

RESPECTFULLY SUBMITTED,

Marsha Ransom
Recording Secretary

Construction Board of Appeals

Staff Report



**Agenda Item #6a
310 Edgell**

City of South Haven

Background Information:

Enforcement efforts for the structure at 310 Edgell date back to 2008. 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 June 10, 2016, a registered letter was sent to the property owner (attached) notifying him of a Dangerous Building Hearing set for June 22, 2016. He did not accept the letter after three post office attempts and did not attend the hearing. At the hearing, the hearing officer ordered the house demolished no later than July 13, 2016. A certified copy of the minutes of that meeting and the hearing officer's determination were mailed on June 23, 2016 and the property owner accepted the letter and contacted the building department. The owner stated that he has made many improvements to the house after which the zoning administrator told him that he will need to present his case to the construction board of appeals.

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 that, unless the owner is able to demonstrate compellingly that the property will be restored in a timely manner, the CBA upholds 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 (August 17, 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

PROCTOR LOUIS B
PO BOX 32
COVERT, MI 49043

07/25/2008

Regarding: Courtesy notification of Code Infraction

Dear Property Owner;

Please be aware that a Code Infraction has been observed at your property within the City of South Haven identified below as the subject property. The City typically attempts to contact a responsible party at the property to correct the infraction, however 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.** 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 shall include the issuance of a "Civil Infraction Notice of Violation" involving a \$50.00 per day fine, as well as a \$50.00 administrative fee and all costs associated with the City having to hire appropriate services to correct said infraction.

Subject Property: 310 EDGELL ST,SOUTH HAVEN
Tax Parcel Number: 80-53-146-008-00

Code Infraction: PROPERTY NEEDS TO BE MOWED DUE TO LENGTH OF LAWN (SEC 30-92) SINCE YOUR HOUSE IS VACANT THE LAWN MUST BE KEPT MOWED AT ALL TIMES.

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. **There shall be no further notifications from the City prior to issuance of the "Civil Infraction Notice of Violation"**. Therefore, it is incumbent upon you to correct the infraction and contact the code enforcement 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,

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

PROCTOR LOUIS B
PO BOX 32
COVERT, MI 49043

11/18/2008

Regarding: Courtesy notification of Code Infraction

Dear Property Owner;

Please be aware that a Code Infraction has been observed at your property within the City of South Haven identified below as the subject property. Attempts have been made to contact a responsible party at the property without successfully correcting the infraction. 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. 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 fines and/or other penalties.

Subject Property: 310 EDGELL ST,SOUTH HAVEN
Tax Parcel Number: 80-53-146-008-00

Code Infraction: CITY OF SOUTH HAVEN ORDINANCE NO. 570 PROPERTY
MAINTENANCE, HOUSE IN DISREPAIR

- (1). SECTION 2.5 VACANT PROPERTY
- (2). SECTION 3.1 FOUNDATIONS, WALLS AND ROOF - EXTERIOR
- (3). SECTION 3.7 STRUCTURAL MAINTENANCE IN GENERAL

THE CITY OF SOUTH HAVEN WOULD LIKE TO KNOW WHAT FUTURE
MAINTENANCE PLANS DO YOU HAVE FOR THE PROPERTY AT 310 EDGELL ST.

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, whether residential or commercial. 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

PROCTOR LOUIS B
PO BOX 32
COVERT, MI 49043

12/16/2008

Regarding: **Warning notification of Code Infraction**

Dear Property Owner; Second Notice

A Code Infraction has been observed at your property within the City of South Haven identified below as the subject property. Attempts have been made to contact a responsible party at the property and via previous mail without successfully correcting the infraction. 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. 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 **shall include the issuance of a "Civil Infraction Notice of Violation" involving a \$50.00 per day per violation fine.**

Subject Property: 310 EDGELL ST, SOUTH HAVEN
Tax Parcel Number: 80-53-146-008-00

Code Infraction: CITY OF SOUTH HAVEN ORDINANCE NO. 570 PROPERTY
MAINTENANCE, HOUSE IN DISREPAIR

- (1). SECTION 2.5 VACANT PROPERTY
- (2). SECTION 3.1 FOUNDATIONS, WALLS AND ROOF - EXTERIOR
- (3). SECTION 3.7 STRUCTURAL MAINTENANCE IN GENERAL

THE CITY OF SOUTH HAVEN WOULD LIKE TO KNOW WHAT FUTURE MAINTENANCE PLANS DO YOU HAVE FOR THE PROPERTY AT 310 EDGELL ST. YOU HAVE TEN (10) DAYS TO RESPOND TO THIS SECOND NOTICE LETTER (DEC. 29, 2008), IF YOU DO NOT RESPOND BY THE DUE DATE A CITATION OF \$50.00 WILL BE ISSUED TO YOU FOR VIOLATION OF CITY ORDINANCE NO. 570 PROPERTY MAINTENANCE.

The City of South Haven asks that you be aware of the condition of your property at all times, and that you make proper arrangements for the maintenance of it. **There will be no further notifications from the City prior to issuance of the "Civil Infraction Notice of Violation"**. Therefore, it is incumbent upon you to correct the infraction 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. Please correct this infraction.

Respectfully,

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

12-26-08

Re: 310 Edgell.

The work is ongoing weather permitting. I anticipate finishing in late spring or early summer

Louis B. Proctor
267-637-6162

RECEIVED AND
READ ON 01-02-09
By Douglas M. Stone



City of South Haven

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

06/10/2016

PROCTOR LOUIS B
PO BOX 32
COVERTMI49043

Regarding: DANGEROUS BUILDING HEARING NOTIFICATION

To Whom it may concern;

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: 310 EDGELL ST
Tax Parcel Number: 80-53-146-008-00

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) General Observations show this property to be largely abandoned with illegal entry made on several occasions. Law enforcement officers have reported suspect activity.

Directive: Structure is to be secured from entry on all sides. Maintain exterior of structure. Keep overgrown vegetation clear of siding, windows, and entry doors. Detached garage to be demolished with all debris removed from site on or before July 15, 2016.

Hearing Date: June 22, 2016 at 3:45

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,

A handwritten signature in black ink, appearing to read "R. Rogien", with the date "6-10-16" written below it.

Ross Rogien-Building Official
Building Services Department (269) 637-0763 EM – rrogien@south-haven.com



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: June 22, 2016 Subject Property: 310 Edgell

Owner or Owner's Representative Present: NO SHOW

Owner / Representative Address: _____

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

That he/she understands the purpose of this hearing

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

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.

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

To Order demolition to be completed no later than
21 days from June 22, 2016 or July 13, 2016

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: 7-13-16
Date

Hearing Officer

Minutes

Wednesday, June 22, 2016
3:00 PM, Conference Room A
City Hall, 539 Phoenix Street



Present at hearing: Ross Rogien, Building Official; Butch Kelly, Hearing Officer; Linda Anderson, Building and Zoning Administrator and property owners.

416 Humphrey

Alan Smith, 416 Humphrey. When questioned if that is the address where he resides, the appellant said he plans to move back in there; that he hasn't been living there since September; he had knee surgery so hadn't been able to get back in there. Smith said he knows the house needs work; he had tried to do some repairs before he injured his knee. He came up to pay the electric bill, which should have been about \$200 and there was a bill for over \$600 and he hadn't been in there.

Smith stated that he sees that they have towed his brother's Jeep; stated he needs to know where that is. He is going to have to start working on the house; repairing the roof and gutting the house so he can live there. Smith commented that he works 6 days a week to which Rogien asked whether he is going to have a contractor do the work, that doesn't leave much time to work on a house. Smith said he and some friends will do the tear off, he has that scheduled, now that the car is gone he can get a dumpster on the site. Smith stated he has some people lined up that can work there when he is at work.

In response to a question from Kelly, Anderson said the last tax bill paid was in 2015 and they are \$570 in arrears. Smith stated he could pay that today and said he has a utility bill that he needs to get adjusted first.

Smith claimed that he knows who is behind this, that the neighbor has been trying to buy his house; that the neighbors want his property.

Kelly asked what work Smith feels needs to be done. Smith said there is some mold in the basement that needs to be cleaned up; that he is going to get rid of the furniture and gut the house and redo the house. Explained that there is a refrigerator in there that leaked, the ice maker leaked, and he is going to have to take care of that. Stated he is living with his daughter until he can get things going at the house.

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DRAFT

Kelly asked when the work will be completed. Smith claimed he will start next week with tearing off the shingles because there are three layers of shingles. He thinks it will take about a month to do the repairs needed.

Anderson noted that we have to have a schedule with the building permit taken out by a certain date, a certain amount of work done by a certain date or the case will go to the Construction Board of Appeals. Anderson explained that the Construction Board of Appeals (CBA) does not give extensions. Work has to be done by the time stated or the CBA will order demolition. The city is not looking at this as a long term project.

Further discussion about the taxes being in arrears prompted Smith to say he could pay the taxes today. Anderson said that is not really what we are here for today; the city is interested in getting the house brought up to code or demolished.

Kelly asked Smith if he is ready to pull a permit. Smith said he can pull the permit today. Anderson suggested Smith go there with Ross and look it over and see what repairs need to be done. Kelly suggested that he look it over with Ross and decide whether he wants to put that kind of money into the house.

Smith responded that the house is sound, the back addition is bad, but the house is sound. Smith noted that the roof has to come off, that there has been nothing done since he bought it. Smith stated he wants to give it to his daughter. Smith also explained there is blown insulation in the attic and it is all dry.

Kelly told Smith that he needs to get with Ross on June 29 and do a walk through. Permits shall be taken out that same day. Smith stated he will be in town because he always golfs at Hawkshead on Wednesdays.

Anderson reminded that if you miss the June 29 date you forfeit the whole thing. Then you have to have a deadline for completion. Kelly asked how long he needs to get it finished, thirty days? Smith said he could not get it done in thirty days, but could do sixty days. Kelly said that would be sixty days from the date of your permit. Rogien suggested August 31 as a deadline for final completion.

Anderson noted there needs to be progress made or we will get the Board of Appeals in here.

It was asked if the minutes should be sent to the Hubbard Street address, but Smith's daughter said to send minutes to 201 North Sage Street, Apt. 205, Kalamazoo, MI 49007.

312 Edgell

Anderson said to Alexander "we first have to establish whether you are the legal owner of this house". Alexander stated she is in the process of buying it to which Anderson

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responded, "You aren't the owner." Rogien noted, "We really shouldn't be talking to you. Due to confusion over who the owner is, we will be noticing it again and sending a certified letter to the bank."

Kelly asked about the taxes. Anderson said 2014 and 2015 taxes are due so the taxes are in arrears \$5,000. Alexander said that is supposed to be in the purchase agreement but she is not investing any more until she has ownership established.

Kelly asked if there were utilities on in the house. Alexander noted that there are no utilities on at the time.

Anderson said we cannot tell what the house looks like inside, but we have deadlines. "What we do is, if you were the person who owned it, we would give you "X" number of days to get your permit, then maybe thirty to sixty days to get the work done. If the work is not done or you miss any of the deadlines the CBA will order demolition."

Alexander said she would not mind building a little wooden stoop on the house but she is not going in and doing work until she has a clear title. Anderson said you would have to have the work done very quickly even if you establish clear title. Rogien asked if she had had direct contact with the bank, Household Finance, to which Alexander responded that Household Finance is defunct and Chase bought them out. Anderson stated that it doesn't matter, if no one shows up that owns the house, the city moves on with demolition. Alexander said she will push on the bank and get things moving.

Kelly stated that he cannot make a determination because Alexander doesn't own it. Anderson said "That's correct and it doesn't matter. Household Finance is the owner of record and we have noticed them as of today." Anderson also noted that if nobody shows up at the next hearing, the city will go ahead with demolition. In response to a question, Rogien stated the deadline for the bank is July 15. Anderson said if Chase is the owner, they need to get in touch with us; until you (Alexander) actually own it we cannot negotiate with you.

Alexander left stating that she would be getting in touch with the bank.

Anderson said Alexander registered this house as a rental, but it sounds like she hasn't even been in it. In our rental ordinance it says the building inspector and the fire marshal can go in and inspect at any time. Maybe this would be a good time to get inside the house if the bank allows it.

310 Edgell.

There was no one present for this case. Kelly ordered demolition in 21 days, or July 13.

Respectfully submitted,



July 27, 2016











Construction Board of Appeals

Staff Report



**Agenda Item #6a
310 Edgell**

City of South Haven

Background Information:

Enforcement efforts for the structure at 310 Edgell date back to 2008. 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 June 10, 2016, a registered letter was sent to the property owner (attached) notifying him of a Dangerous Building Hearing set for June 22, 2016. He did not accept the letter after three post office attempts and did not attend the hearing. At the hearing, the hearing officer ordered the house demolished no later than July 13, 2016. A certified copy of the minutes of that meeting and the hearing officer's determination were mailed on June 23, 2016 and the property owner accepted the letter and contacted the building department. The owner stated that he has made many improvements to the house after which the zoning administrator told him that he will need to present his case to the construction board of appeals.

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 that, unless the owner is able to demonstrate compellingly that the property will be restored in a timely manner, the CBA upholds 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 (August 17, 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

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

06/06/2016

SMITH ALAN & SHERRIE
416 HUMPHREY ST
SOUTH HAVEN, MI 49090

Regarding: DANGEROUS BUILDING HEARING NOTIFICATION

To Whom it may concern;

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: 416 HUMPHREY ST
Tax Parcel Number: 80-53-149-003-00

Infraction: STRUCTURE ON PROPERTY HAS NOT BEEN MAINTIANED PROPERLY AND IS IN NEED OF SUBSTANTIAL REPAIRS. SOUTH ROOF ASSEMBLY TO BE COMPLETELY REBUILT. MAIN ROOF NEEDS EVE REPAIRS, DECK INSPECTION, AND RE-ROOFING. UNKEPT BRUSH AND PLANT GROWTH TO BE REMOVED AWAY FROM ALL WALLS.

SHOULD NO PLAN FOR REPAIRS AND PROPERTY MAINTAINANCE BE BROUGHT FORTH, THIS STRUTURE SHALL BE DEEMED ABANDONED AND DEMOLITION SHALL BE ORDERED.

HEARING DATE: June 22, 2016 3pm at City Conference Room A.
Hearing Officer: Bernard Kelly, Hagar Township.

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,

A handwritten signature in blue ink, appearing to read "R. Rogien".

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



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: June 22, 2016 Subject Property: 416 Humphrey

Owner or Owner's Representative Present: Alan Smith

Owner / Representative Address: _____

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 _____

That he/she understands the purpose of this hearing _____

That the subject property is in violation of one or more City Codes _____

That the subject property does not have an operable kitchen water shut off _____

That the subject property does not have an operable bathroom water shut off _____

That the subject property does not have a fully functioning electrical system ... disconnect _____

That the subject property does not have a fully functioning mechanical system _____

That dangerous conditions exist on the subject property Roof is to be replaced _____

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 Meet with Ross Wednesday with them + obtain Permits

and have work completed within 60 days or August 31, 2016

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: August 31, 2016
Date

Hearing Officer

Minutes

**Wednesday, June 22, 2016
3:00 PM, Conference Room A
City Hall, 539 Phoenix Street**



Present at hearing: Ross Rogien, Building Official; Butch Kelly, Hearing Officer; Linda Anderson, Building and Zoning Administrator and property owners.

416 Humphrey

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Smith stated that he sees that they have towed his brother's Jeep; stated he needs to know where that is. He is going to have to start working on the house; repairing the roof and gutting the house so he can live there. Smith commented that he works 6 days a week to which Rogien asked whether he is going to have a contractor do the work, that doesn't leave much time to work on a house. Smith said he and some friends will do the tear off, he has that scheduled, now that the car is gone he can get a dumpster on the site. Smith stated he has some people lined up that can work there when he is at work.

In response to a question from Kelly, Anderson said the last tax bill paid was in 2015 and they are \$570 in arrears. Smith stated he could pay that today and said he has a utility bill that he needs to get adjusted first.

Smith claimed that he knows who is behind this, that the neighbor has been trying to buy his house; that the neighbors want his property.

Kelly asked what work Smith feels needs to be done. Smith said there is some mold in the basement that needs to be cleaned up; that he is going to get rid of the furniture and gut the house and redo the house. Explained that there is a refrigerator in there that leaked, the ice maker leaked, and he is going to have to take care of that. Stated he is living with his daughter until he can get things going at the house.

June 1, 2016
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Regular Meeting Minutes
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Anderson noted that we have to have a schedule with the building permit taken out by a certain date, a certain amount of work done by a certain date or the case will go to the Construction Board of Appeals. Anderson explained that the Construction Board of Appeals (CBA) does not give extensions. Work has to be done by the time stated or the CBA will order demolition. The city is not looking at this as a long term project.

Further discussion about the taxes being in arrears prompted Smith to say he could pay the taxes today. Anderson said that is not really what we are here for today; the city is interested in getting the house brought up to code or demolished.

Kelly asked Smith if he is ready to pull a permit. Smith said he can pull the permit today. Anderson suggested Smith go there with Ross and look it over and see what repairs need to be done. Kelly suggested that he look it over with Ross and decide whether he wants to put that kind of money into the house.

Smith responded that the house is sound, the back addition is bad, but the house is sound. Smith noted that the roof has to come off, that there has been nothing done since he bought it. Smith stated he wants to give it to his daughter. Smith also explained there is blown insulation in the attic and it is all dry.

Kelly told Smith that he needs to get with Ross on June 29 and do a walk through. Permits shall be taken out that same day. Smith stated he will be in town because he always golfs at Hawkshead on Wednesdays.

Anderson reminded that if you miss the June 29 date you forfeit the whole thing. Then you have to have a deadline for completion. Kelly asked how long he needs to get it finished, thirty days? Smith said he could not get it done in thirty days, but could do sixty days. Kelly said that would be sixty days from the date of your permit. Rogien suggested August 31 as a deadline for final completion.

Anderson noted there needs to be progress made or we will get the Board of Appeals in here.

It was asked if the minutes should be sent to the Hubbard Street address, but Smith's daughter said to send minutes to 201 North Sage Street, Apt. 205, Kalamazoo, MI 49007.

312 Edgell

Anderson said to Alexander "we first have to establish whether you are the legal owner of this house". Alexander stated she is in the process of buying it to which Anderson

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responded, "You aren't the owner." Rogien noted, "We really shouldn't be talking to you. Due to confusion over who the owner is, we will be noticing it again and sending a certified letter to the bank."

Kelly asked about the taxes. Anderson said 2014 and 2015 taxes are due so the taxes are in arrears \$5,000. Alexander said that is supposed to be in the purchase agreement but she is not investing any more until she has ownership established.

Kelly asked if there were utilities on in the house. Alexander noted that there are no utilities on at the time.

Anderson said we cannot tell what the house looks like inside, but we have deadlines. "What we do is, if you were the person who owned it, we would give you "X" number of days to get your permit, then maybe thirty to sixty days to get the work done. If the work is not done or you miss any of the deadlines the CBA will order demolition."

Alexander said she would not mind building a little wooden stoop on the house but she is not going in and doing work until she has a clear title. Anderson said you would have to have the work done very quickly even if you establish clear title. Rogien asked if she had had direct contact with the bank, Household Finance, to which Alexander responded that Household Finance is defunct and Chase bought them out. Anderson stated that it doesn't matter, if no one shows up that owns the house, the city moves on with demolition. Alexander said she will push on the bank and get things moving.

Kelly stated that he cannot make a determination because Alexander doesn't own it. Anderson said "That's correct and it doesn't matter. Household Finance is the owner of record and we have noticed them as of today." Anderson also noted that if nobody shows up at the next hearing, the city will go ahead with demolition. In response to a question, Rogien stated the deadline for the bank is July 15. Anderson said if Chase is the owner, they need to get in touch with us; until you (Alexander) actually own it we cannot negotiate with you.

Alexander left stating that she would be getting in touch with the bank.

Anderson said Alexander registered this house as a rental, but it sounds like she hasn't even been in it. In our rental ordinance it says the building inspector and the fire marshal can go in and inspect at any time. Maybe this would be a good time to get inside the house if the bank allows it.

310 Edgell.

There was no one present for this case. Kelly ordered demolition in 21 days, or July 13.

Respectfully submitted,







