Battle Creek Historic District Commission

Staff Report

Meeting: June 9, 2014

To: Historic District Commission

From: Glenn Perian, Senior Planner

Date: June 2, 2014

Subject: The petition filed by Gregory Dotson, property owner, is for the issuance of a Notice to Proceed from the Historic District Commission to demolish the garage/outbuilding structure at 200 Capital Avenue NE.

Site:

The property is located in the Old Maple Street Historic District.

Summary of Request

The application submitted by the owner of the property is to demolish the existing garage structure and to erect a new structure in its place. A Notice of Violation was issued by the City's Inspections Division that states that the building is in disrepair and is unsafe for occupancy. There is a court order pending stating that the defendant shall obtain building or demolition permits to correct or repair the violations. The notice of violation, photos of the structure, a safety/cost estimate of repair provided by the City Inspection Division, a garage roof proposal submitted by the applicant, and an estimate to restore and demolish the structure submitted by the applicant has been made part of the packet of information for your consideration. Mr. Dotson is also expected to be at the meeting to discuss the request.

Applicable HDC Guidelines for a Notice to Proceed to Demolish the property at 200 Capital Ave. NE:

The property is to be reviewed in accordance with the City of Battle Creek Building and Housing Code Chapter 1470 "Historic Preservation", as amended, the Michigan's Local Historic Districts Act, as amended, and the criteria for the National Register of Historic Places as outlined in the Secretary of the Interior's Standards and Guidelines.

Generally, demolition of a structure will not comply with the standards outlined in the Secretary of Interior's Standards and Guidelines for rehabilitation. However, in the event that these standards cannot be met, the State Act and local ordinance states that a notice to proceed **shall** be issued if any **one** of the following criteria, per Ch 1470.09(e) as follows, is met:

(e) Work within an Historic District shall be permitted through the issuance of a notice to proceed by the Commission if any of the following conditions prevail and if the proposed work can be demonstrated by a finding of the Historic District Commission to be necessary to substantially improve or correct any of the following conditions:

(1) The resource constitutes a hazard to the safety of the public or to the structures and occupants.

(2) The resource is a deterrent to a major improvement program that will be of substantial benefit to the community, and the applicant proposing the work has obtained all necessary planning and zoning approvals and financing and environmental clearances.

(3) Retaining the resource will cause undue financial hardship to the owner when a governmental action, an act of God or other event beyond the owner's control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market value or moving the resource to a vacant site within the Historic District, have been attempted and exhausted by the owner.

(4) Retaining the resource is not in the interests of the majority of the community.

Analysis and Recommendation:

Mr. Dotson has provided an Application for a Notice to Proceed to demolish the structure at 200 Capital Avenue NE in order to comply with a court order that says he shall obtain building or demolition permits to correct/repair violations to the structure. His application states that he would like to demolish the structure to make room for a new structure and he has

submitted an estimate of $19,000 from Hoyt McMillon Construction for the demolition. Our Building Inspector has provided a cost estimate of approximately $44,000 to make the proper repairs to and make the structure safe for occupancy, which is approximately the cost of the demolition plus a new building. The Inspector's estimate includes all the repairs to satisfy the court order and City requirements to make the building safe. The applicant has also submitted an estimate of $6,600 for repairs to the roof and $195,000 to restore the building. The only concern or requirement from the courts and the City is to make the property safe. The applicant is expected to be in attendance at the meeting to discuss the demolition and construction plans and answer any questions you may have.

While planning staff would prefer to see buildings rehabilitated, as outlined in the ordinance, the HDC **shall** approve a Notice to Proceed if at least **one** of the criteria has been met. It is your responsibility to determine if the application has met the test outlined in the ordinance for the HDC to grant a Notice to Proceed for the demolition of the outbuilding at 200 Capital Avenue NE, as outlined in Chapter 1470 "Historic Preservation" and the Michigan Local Historic Districts. Staff does not think the applicant has met the requirements for a Notice to Proceed with the information submitted as outlined below;

(1) The resource constitutes a hazard to the safety of the public or to the structures and occupants. The property is currently secure from entry and is not an immediate threat to the public. The applicant has stated that he would like to demo the structure and put back a new structure. The pending court order does not require that the building be demolished but that any potential threat is remediated.

(2) The resource is a deterrent to a major improvement program that will be of substantial benefit to the community, and the applicant proposing the work has obtained all necessary planning and zoning approvals and financing and environmental clearances. The structure does not present a deterrent to any improvement program that we are aware of.

(3) Retaining the resource will cause undue financial hardship to the owner when a governmental action, an act of God or other event beyond the owner's control created the hardship, and all feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market value or moving the resource to a vacant site within the Historic District, have been attempted and exhausted by the owner. The deterioration of the structure appears to have occurred over time and is not a result of an act of God, but rather, by neglect of the property owner. With proper maintenance the building would not be in such a state of disrepair. The applicant has submitted a "Garage Roof Proposal" of $6,636.20. He has also submitted an estimate to restore the structure for $195,000 and an estimate to demolish the structure for $19,000. Our Inspection Department has provided a cost estimate of $44,000 to make the building safe. With the property owner stating that it is his plan to spend $19,000 in demo costs and then put up a new building, we believe that the total cost he is planning on putting into the project is quickly approaching the $44,000 estimate the Building Inspector has provided to repair the structure. Therefore, rehab of the structure will not cause undue financial hardship.

(4) Retaining the resource is not in the interests of the majority of the community. Staff believes that the architectural style of the outbuilding is integral and

contributes to the district. Furthermore, the repairs oulined by the Building Inspector will satisfy the court order and the City's requirements to correct the outstanding violations at the property and should be fairly close to the cost for demolition of the structure and construction costs for a new structure.

Planning staff is recommending that a Notice to Proceed <u>not</u> be issued by the City of Battle Creek Historic District Commission for the demolition of the structure at 200 Capital Avenue NE, in that the request does not meet the standards outlined in Chapter 1470.09(e) "Review of Applications" documented in the application and this report. Staff recommends that a Certificate of Appropriateness be issued for a new roof, keeping in the current style of the building including the exposed rafters and gable, and for other repairs outlined in the Inspectors "Dangerous Building-Safety/Cost Estimate of Repair" for the outbuilding located at 200 Capital Avenue NE.

City of Battle Creek
Department of Planning and Community Development
10 N. Division Street, Ste. 117 • Battle Creek, Michigan 49014
Phone: (269) 966-3320 • www.battlecreekmi.gov

RECEIVED
APR 16, 2014
CITY OF BATTLE CREEK
PLANNING DEPARTMENT

HISTORIC DISTRICT COMMISSION

Application for (check all that applies)

_____ Certificate of Appropriateness (for repairs or rehab projects)

X Notice to Proceed (for demolition requests)

Petition No. H-05-14

Date Received: 4-16-14

APPLICANT**

NAME: DOTSON, GREGORY

ADDRESS: 200 CAPITAL AVE NE

PHONE: 269. 275. 1290 FAX:

EMAIL: gdotsonod@sbcglobal.net

OWNER (if different from applicant)

NAME:

ADDRESS:

PHONE: FAX:

EMAIL:

****If the applicant is not the property owner, a letter signed by the owner agreeing to the application to the Historic District Commission must be included with the application.**

NOTE: This is a detached garage of 200 Capital NE

SUBMITTAL REQUIREMENTS/EXISTING CONDITIONS

Address(es) of property for which the request is being sought: 24 Penn

Current use of the property: Garage

List existing structures on the property and the approximate age of each.

House – circa 1896

Please list all activities/proposed work for the property area and how the proposed work relates to the building as a whole.

Demolition of stated property

Indicate in which manner the proposed work will result in changes to the size and/or appearance of the features outlined in this application.

Removal of the current structure will allow for erecting new structure in place of.

Does the work proposed include maintenance/repair of existing features of the structure, or will it create new features that do not currently exist?

Propose complete demolition of existing structure

Please indicate the existing building materials of the following structural features and the proposed materials if that feature is included as part of the application.

	Existing Materials	Proposed Materials (if applicable)
Roof		
Windows		
Siding		
Foundation		
Other _____		

For Notice To Proceed requests only:

What options have you explored for the repair or relocation of the structure proposed for demolition?

New roof
Student builders — Calhoun Area Career Center

SUBMITTAL REQUIREMENTS

As outlined in "HDC, Information and Procedure", each request requires supplementary items that thoroughly describe the existing structure and proposed project. These items are to be submitted with the completed application; incomplete applications will not be forwarded to the Historic District Commission.

APPLICANT SIGNATURE

By signing this application, the applicant hereby declares that all answers given herein are true to the best of their knowledge, and confirms that all information required for Historic District Commission review has been submitted. Furthermore, the applicant confirms that they have thoroughly read the "Historic District Commission, Information and Procedures" and agrees to comply with all requirements and procedures outlined therein.

Name _____ Date 4/16/14

Garage Roof Proposal

M&R Construction | 110 Clay St. | Battle Creek MI, 49017

269-832-8355 for English | 269-419-5092 para Español | MNR.CONSTRUCTION LLC@GMAIL.COM

CUSTOMER
Greg Gordson

ESTIMATE NO
9-1

DATE
10/3/2013

ADDRESS
24 Penn St.

CITY/STATE/ZIP
Battle Creek, MI, 49017

PHONE
269-275-1290

E-MAIL
N/A

QUANTITY	DESCRIPTION	UNIT PRICE	AMOUNT
60	Bundles of Laminated Architectural Shingles	$24.99	$1,499.40
60	7/16" x 4' x 8' OSB Plywood	$9.37	$562.20
1	Grip Fast 1-1/4" Coil Roofing Nails Box	$19.99	$19.99
20	2" x 6" x 18' #2 SYP Lumber	$11.49	$229.80
1	Paslode 2-3/8" x .113 RS RoundDrive Framing Nail Box	$75.98	$75.98
9	2" x 8" x 16' #1 SYP Lumber	$12.81	$115.29
3	3' x 65' Granulated Ice & Water Barrier	$39.99	$119.97
5	#15 ASTM Felt Underlayment	$18.25	$91.25
20	10' Style D Roof Edge	$3.96	$79.20
5	5" x 7" Copper Preformed Flashing Shingles	$10.99	$54.95
2	20' Rolled Ridge Vent	$49.99	$99.98
1	Arrow T-50 Staples 3/8" Heavy Duty	$10.67	$10.67

SALESPERSON
Martin Reyes

PROJECT
Garage Roof Repair

PREPARED BY:
Ulices Monarrez Reyes

ATTENTION
Simon Monarrez

PAYMENT TERMS
CASH

DUE DATE
UPON COMPLETION

Martin Reyes
(269) 245-7321

owner
Gress
(269) 275 1290

SUBTOTAL	$2,958.68
TAX RATE	6.00%
SALES TAX	$177.52
LABOR	$3,500.00
TOTAL	$6,636.20

Sign Here to Accept Quote:

Authorized Rep

Date

PROPOSAL

Hoyt McMillon Construction

10691 D Drive N.
Ceresco, MI 49033
Phone: (269) 968-6872 • Fax: (269) 968-3434 • Cell: (269) 967-1651

To: Gregory Dodson

Date 5-16-14

Job Name: Dodson

Job Location: 200 N.E. Capitol
Battle Creek, Mi.

Pricing includes the following:

Estimate to restore Carriage House $195,000-

Estimate to demolish 3 story Carriage house
Leave foundation + floor
fill basement with sand $19,000-

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alterations or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered Workman's Compensation Insurance.

Authorized Signature: Jody M McMillon Date: 5-16-14

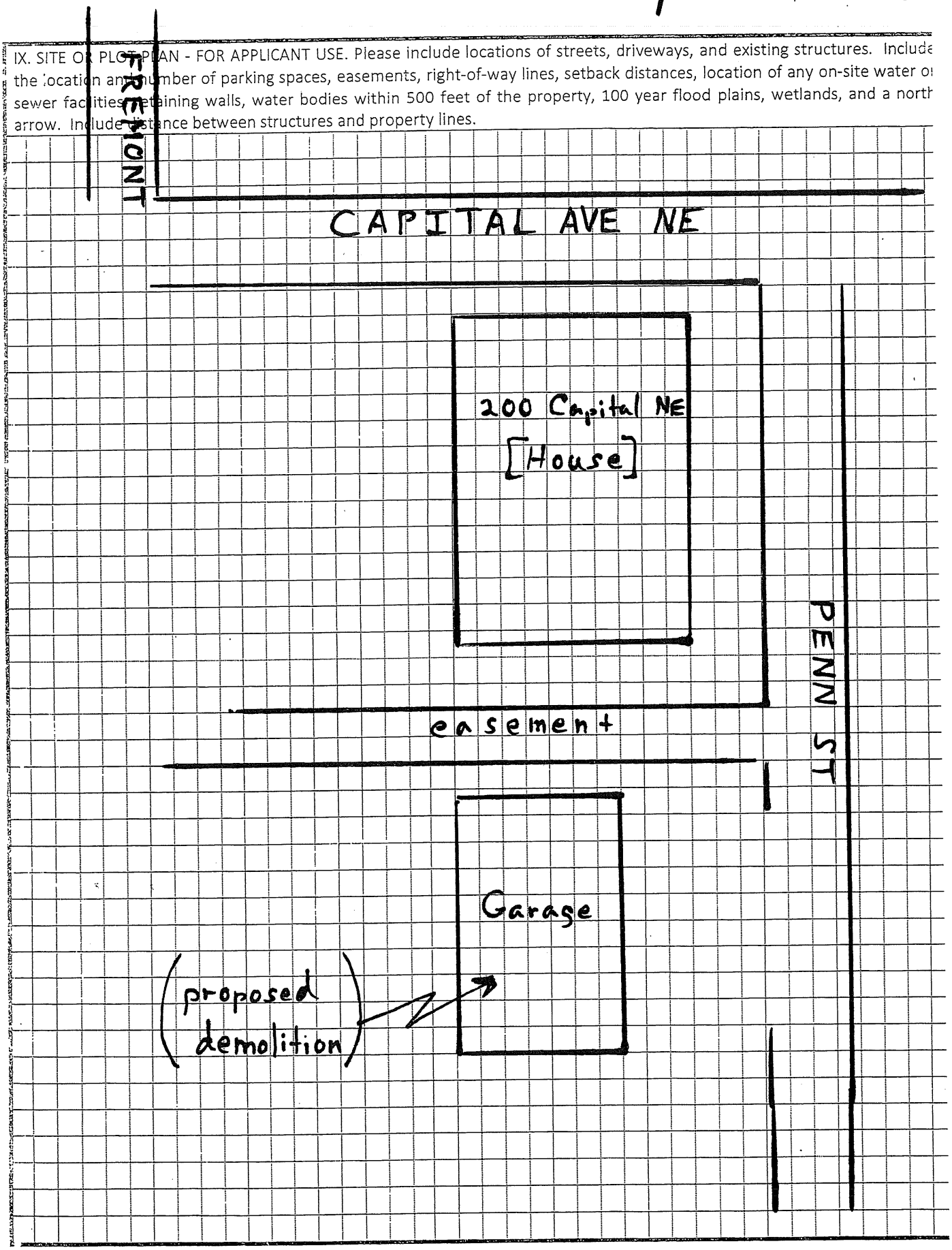
Note: This Proposal may be withdrawn by us if not accepted within 30 days.

Acceptance of Proposal:
The above prices, specifications and conditions are satisfactory and are hereby accepted.
You are hereby authorized to do the work specified.

Signature: _____ Date of Acceptance: _____

Excavating • Grading • Utility Mains

IX. SITE OR PLOT PLAN - FOR APPLICANT USE. Please include locations of streets, driveways, and existing structures. Include the location and number of parking spaces, easements, right-of-way lines, setback distances, location of any on-site water or sewer facilities, retaining walls, water bodies within 500 feet of the property, 100 year flood plains, wetlands, and a north arrow. Include distance between structures and property lines.



THIS IS NOT A PERMIT

CITY OF BATTLE CREEK
10 N. Division Street, Room 117
Battle Creek, MI 49014
269.966.3387

NOTICE OF VIOLATION

08/20/2013

GREGORY D DOTSON,
200 CAPITAL AVE NE
BATTLE CREEK, MI 49017-3925

Permits Required	
_X_Building	__Mechanical
__Electrical	__Plumbing

Re: 200 NE CAPITAL AVE – PROPERTY MAINTENANCE ISSUES

EN12-07524 – ACCESSORY STRUCTURE

Dear Property Owner:

An inspection conducted on 08/20/2013 identified the following violations of the International Property Maintenance Code 2009, related to the referenced property:

2009 IPMC:

- 301.2 Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements

- 302.7 Accessory structures. All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

- 304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

- 304.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of

windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

This inspection may not include all of the violations that exist at this address, other violations may exist, but because of their location or the fact that they may be covered by debris or construction materials, we were unable to document them.

Permits may be required for some or all of the repairs. Permits must be obtained as outlined in Section 105 of the Michigan Residential Code. Licensed Building, Electrical, Mechanical, or Plumbing contractors are responsible for obtaining the required permits.

Corrections must be accomplished within 30 calendar days from the date of this letter – 09/20/2013. Failure to comply may result in civil penalties and/or other court ordered remedies.

If you have questions regarding this notice please contact us for assistance.

Sincerely,

Don Wilkinson
City of Battle Creek Building Division
Building Inspector/Plan Reviewer
10 N. Division St., Suite 117
Battle Creek, MI 49014
dgwilkinson@battlecreekmi.gov
(269) 966-3383

CITY OF BATTLE CREEK
10 N. Division Street, Room 117
Battle Creek, MI 49014
269.966.3387

DANGEROUS BUILDING - SAFETY/COST ESTIMATE OF REPAIR

05/07/2014

Permits Required	
_X_Building	_X_Mechanical
_X_Electrical	_X_Plumbing

GREGORY D. & SONJI F. DOTSON
200 NE CAPITAL AVE
BATTLE CREEK, MI 49017

Re: 200 NE CAPITAL AVE – CONDEMNED BUILDING/DANGEROUS BUILDING

EN12-07524

To Whom it May Concern:

An investigation of this property was conducted on 09/17/2013 to determine the extent of repair required to allow re-occupancy.

The estimated cost of repair: $44,167
The SEV is: $8,315

Based on the fact that the cost of repair exceeds the SEV for the property, the building meets the test for demolition.

The inspection also identified the following violations of the International Property Maintenance Code 2009, related to the referenced property:

BUILDING CONDEMNED:

1. 108.1 General. When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.
2. 108.1.1 Unsafe structures. An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.
3. 108.1.3 Structure unfit for human occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.
4. 108.1.5 Dangerous structure or premises. For the purpose of this code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous:
   - 1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the approved building or fire code of the jurisdiction as related to the requirements for existing buildings.
   - 2 .The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
   - 3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.
   - 4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.

- 5. The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
- 6. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.
- 7. The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
- 8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the approved building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.
- 9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
- 10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.

5. 108.5 Prohibited occupancy. Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.
6. 108.6 Abatement methods. The owner, operator or occupant of a building, premises or equipment deemed unsafe by the code official shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

7. 109.1 Imminent danger. When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

8. 301.2 Responsibility. The owner of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Occupants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.
9. 301.3 Vacant structures and land. All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 304 EXTERIOR STRUCTURE:

10.304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

11.304.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

- 1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
- 2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
- 3. Structures or components thereof that have reached their limit state;
- 4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
- 5. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;
- 6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
- 7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
- 8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
- 9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects;

12.304.6 Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

13.304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

14.304.2 Protective treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

15.304.11 Chimneys and towers. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

16.304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

17.304.13.1 Glazing. All glazing materials shall be maintained free from cracks and holes.

18.304.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

SECTION 305 INTERIOR STRUCTURE:

19.305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

20.305.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

- 1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
- 2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
- 3. Structures or components thereof that have reached their limit state;
- 4. Structural members are incapable of supporting nominal loads and load effects;
- 5. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects;

21.305.2 Structural members. All structural members shall be maintained structurally sound, and be capable of supporting the imposed loads.

22.305.3 Interior surfaces. All interior surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

23.305.4 Stairs and walking surfaces. Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

24.305.5 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

25.305.6 Interior doors. Every interior door shall fit reasonably well within its frame and shall be capable of being opened and closed by being properly and securely attached to jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

This inspection may not include all of the violations that exist at this address, other violations may exist, but because of their location or the fact that they may be covered by debris or construction materials, we were unable to document them.

111.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

Section 107.6 Transfer of ownership. It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

Permits may be required for some or all of the repairs. Permits must be obtained as outlined in Section 105 of the Michigan Residential Code. Licensed, Electrical, Mechanical, or Plumbing contractors are responsible for obtaining the required permits. A homeowner who occupies or will occupy a single-family dwelling may obtain the required permits.

Should you have any questions or concerns regarding this Dangerous Building repair estimate, please call Dennis McKinley, Code Compliance Administrator at (269) 966-3387

Sincerely,

Don Wilkinson
City of Battle Creek Building Division
Building Inspector/Plan Reviewer

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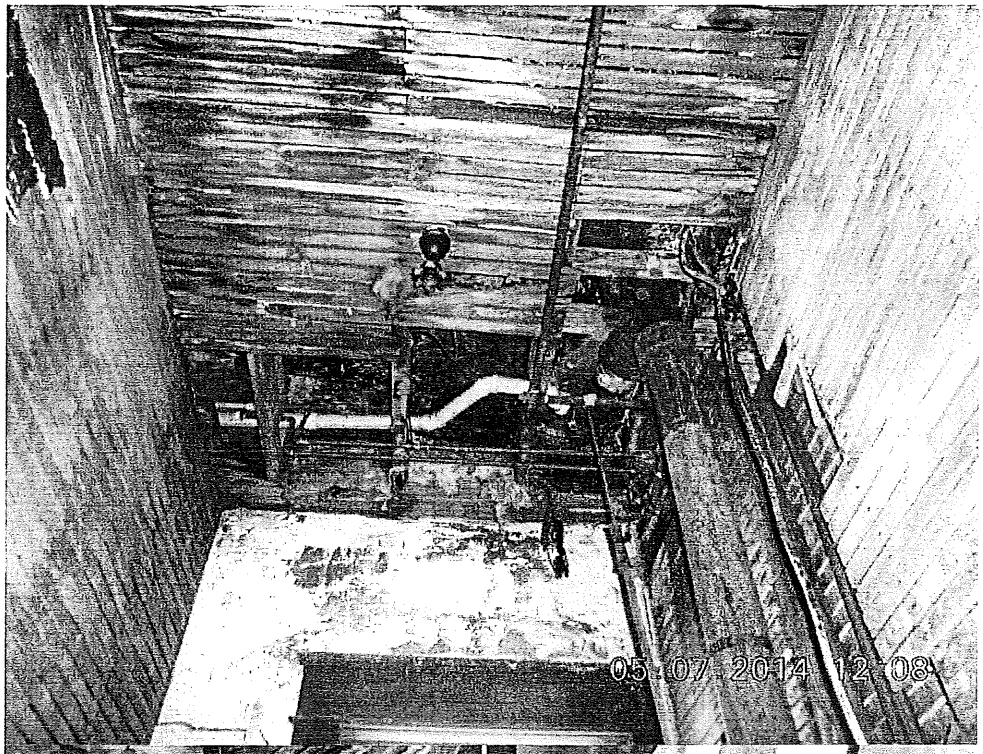
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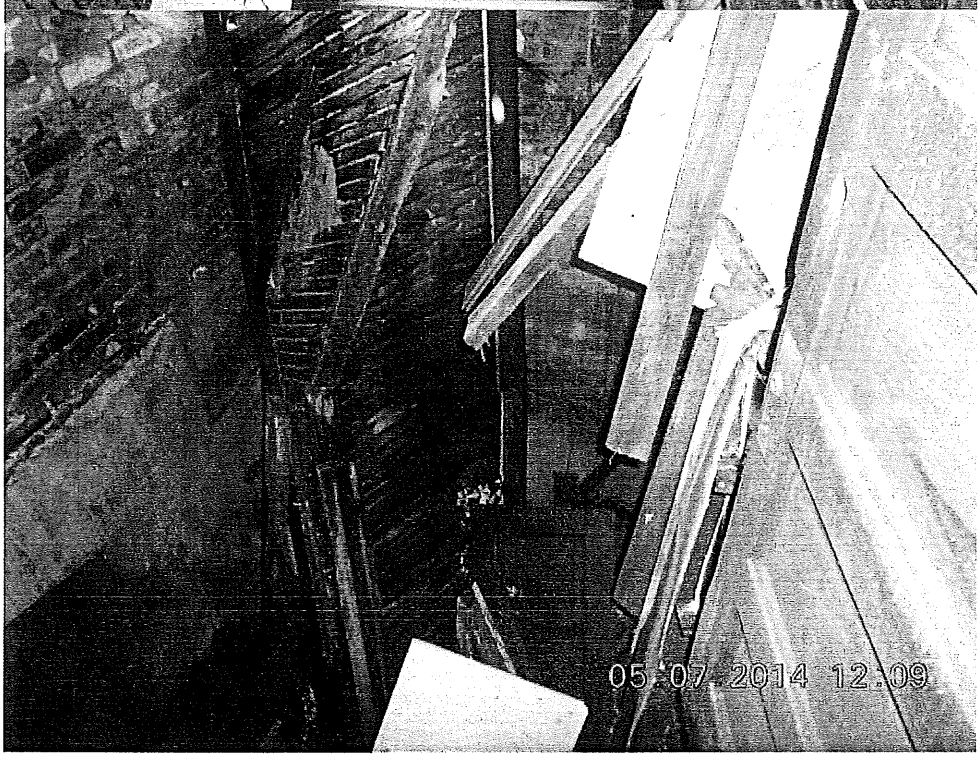
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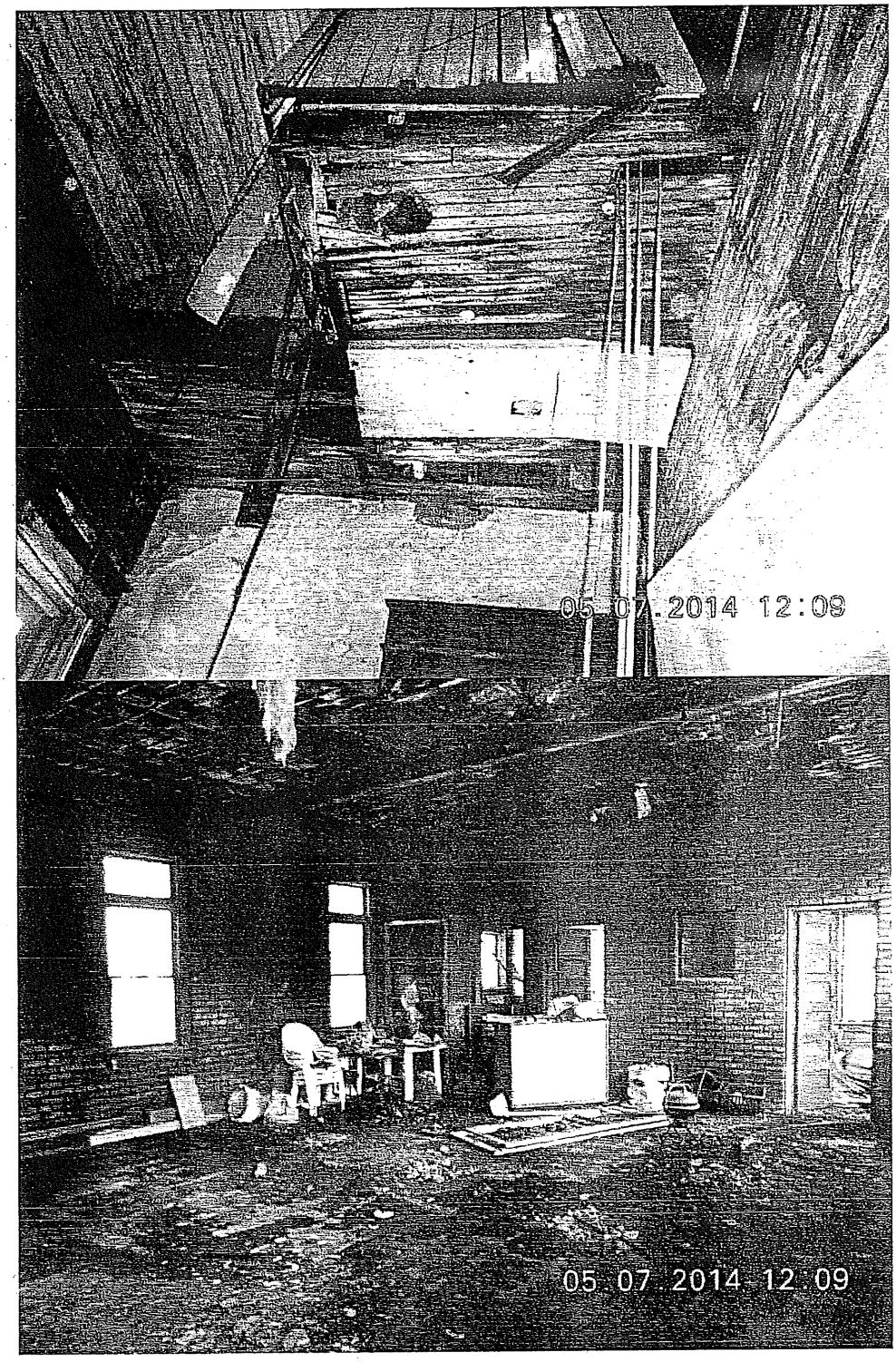
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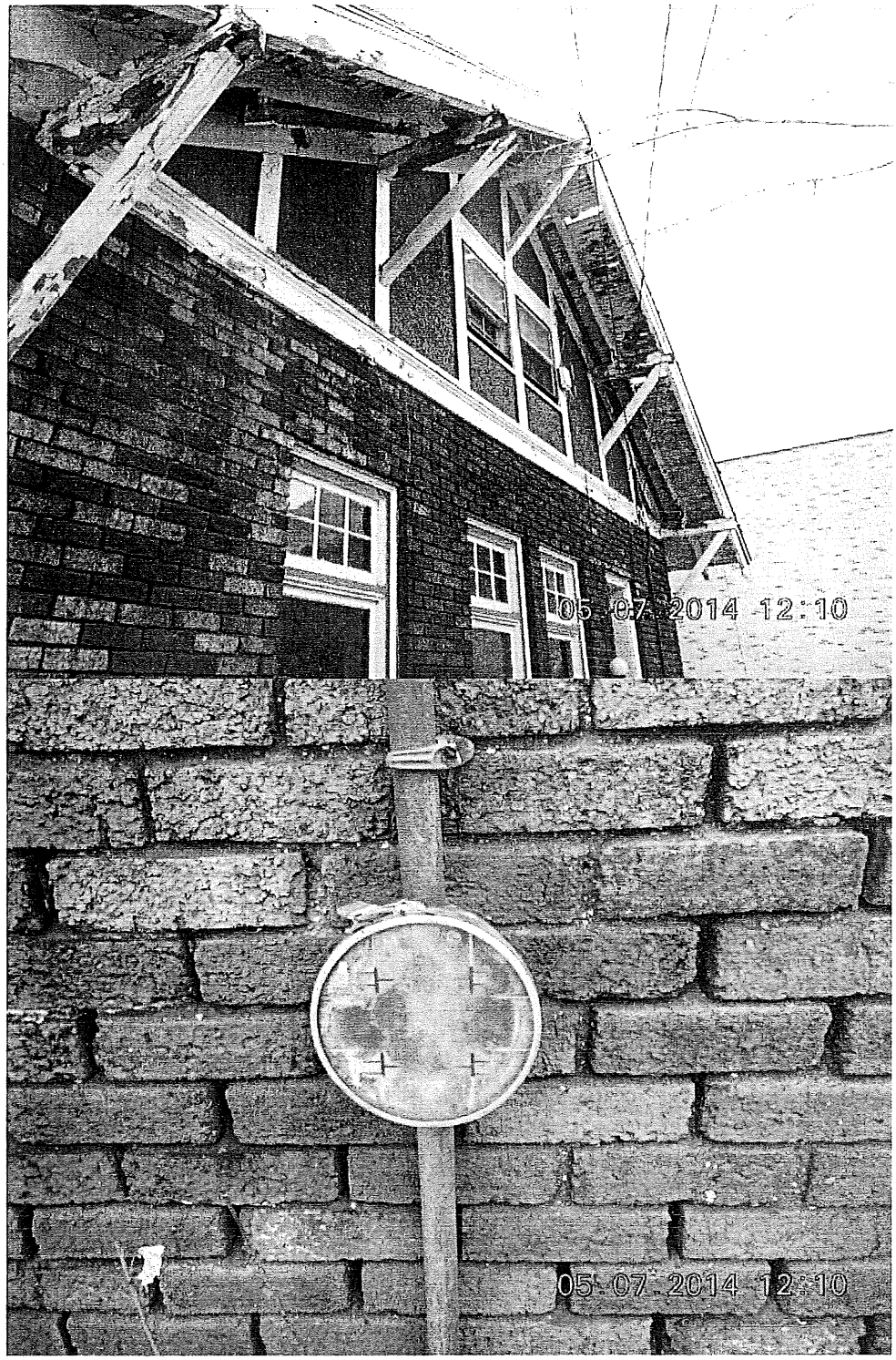
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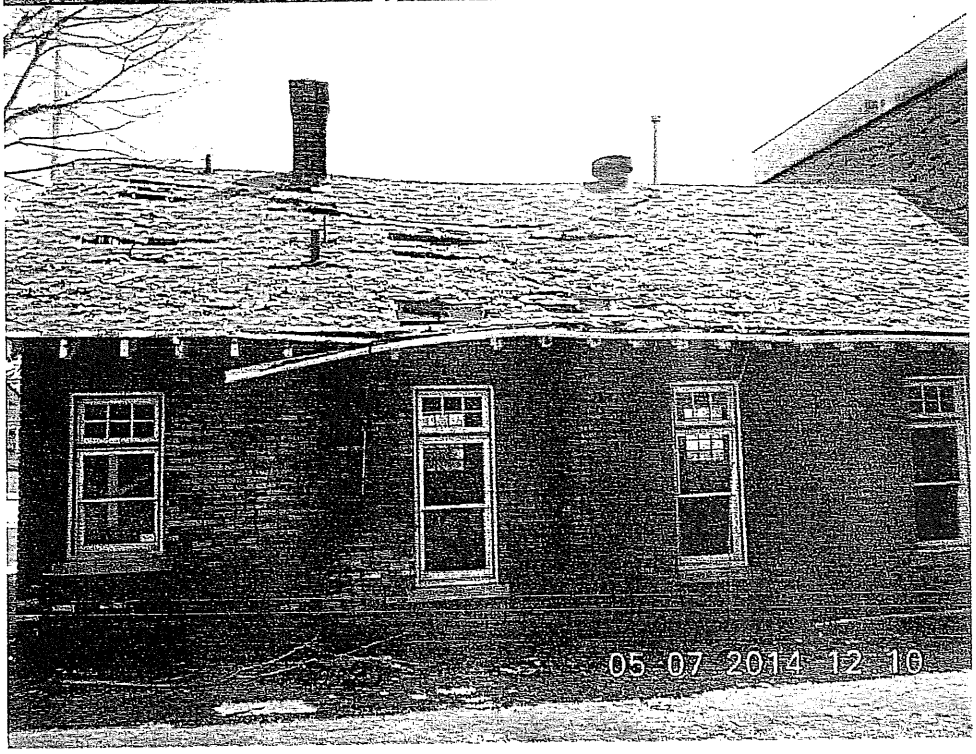
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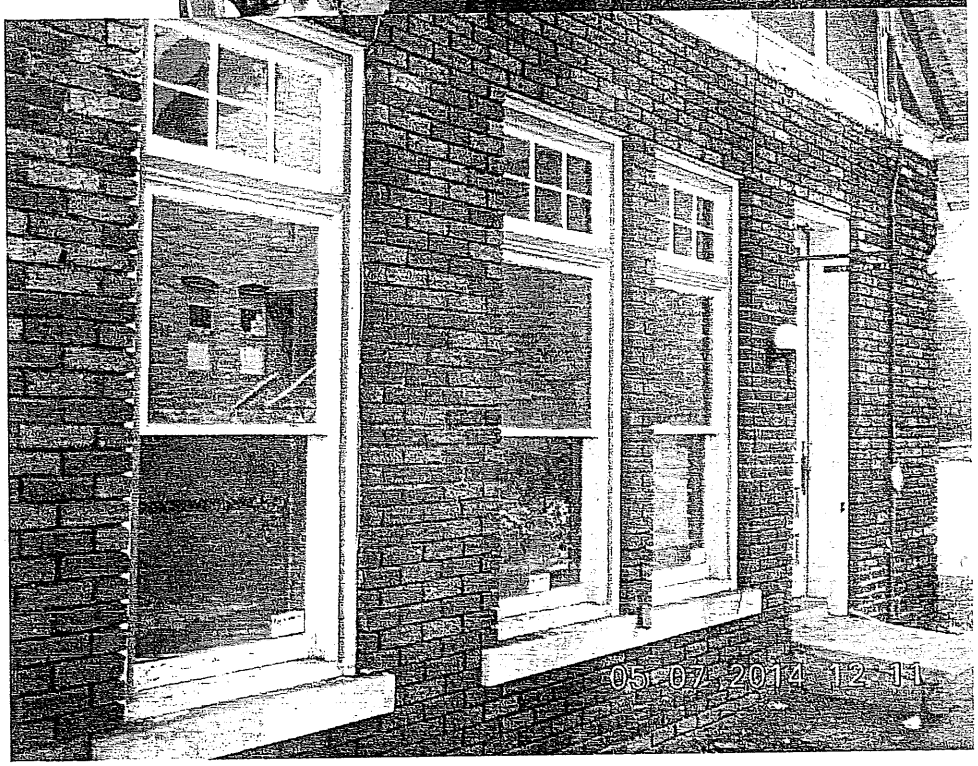
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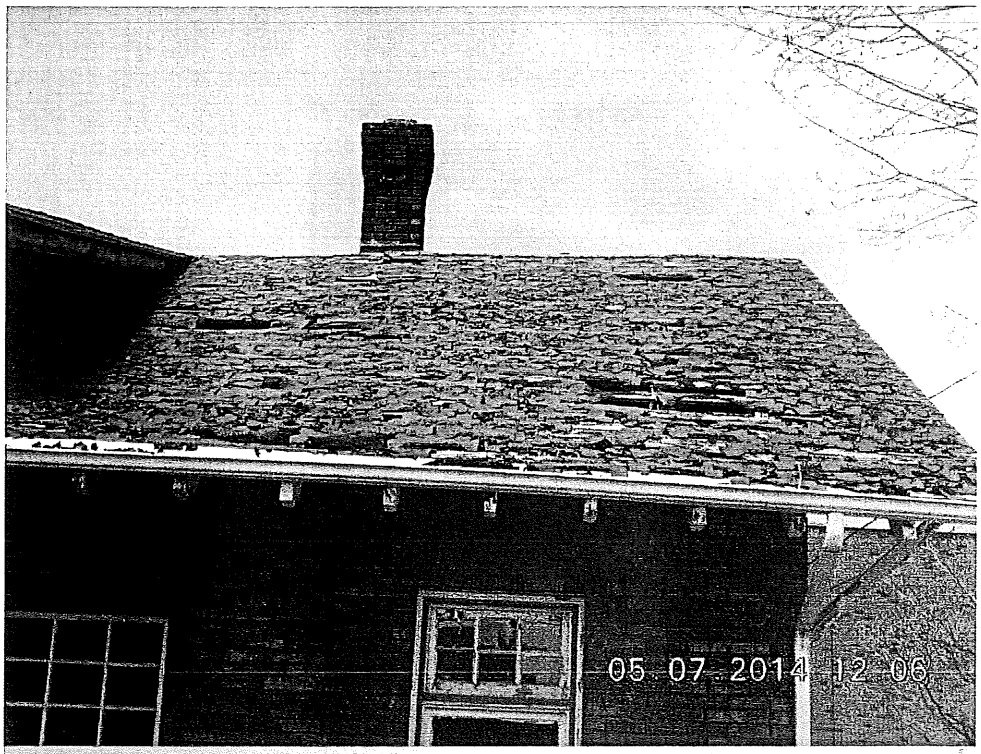
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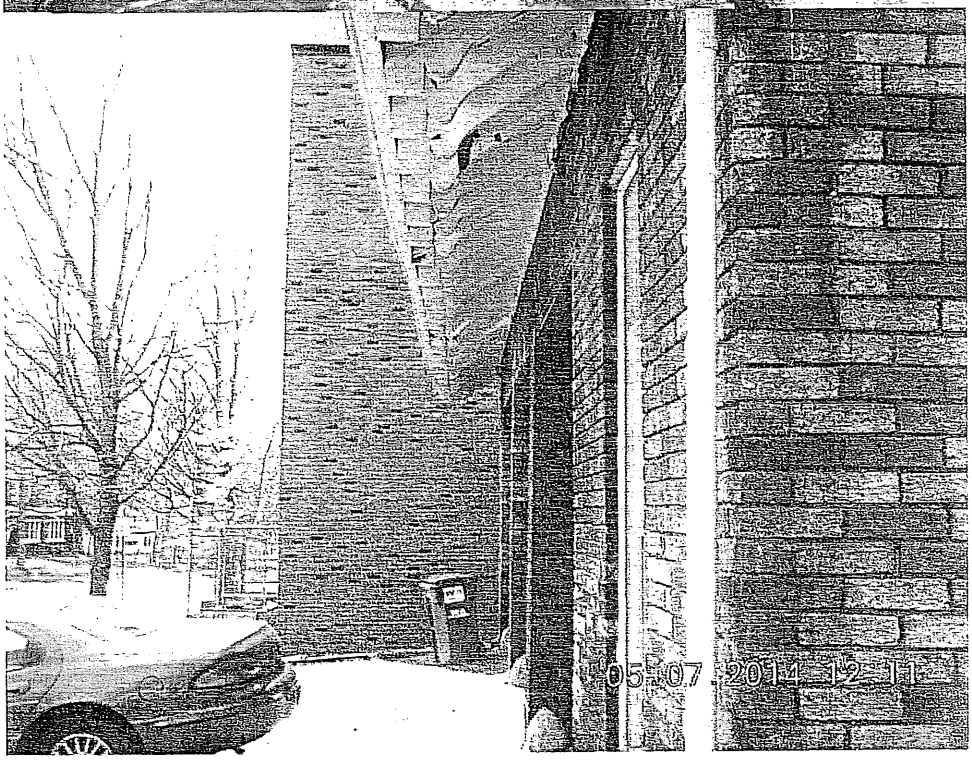
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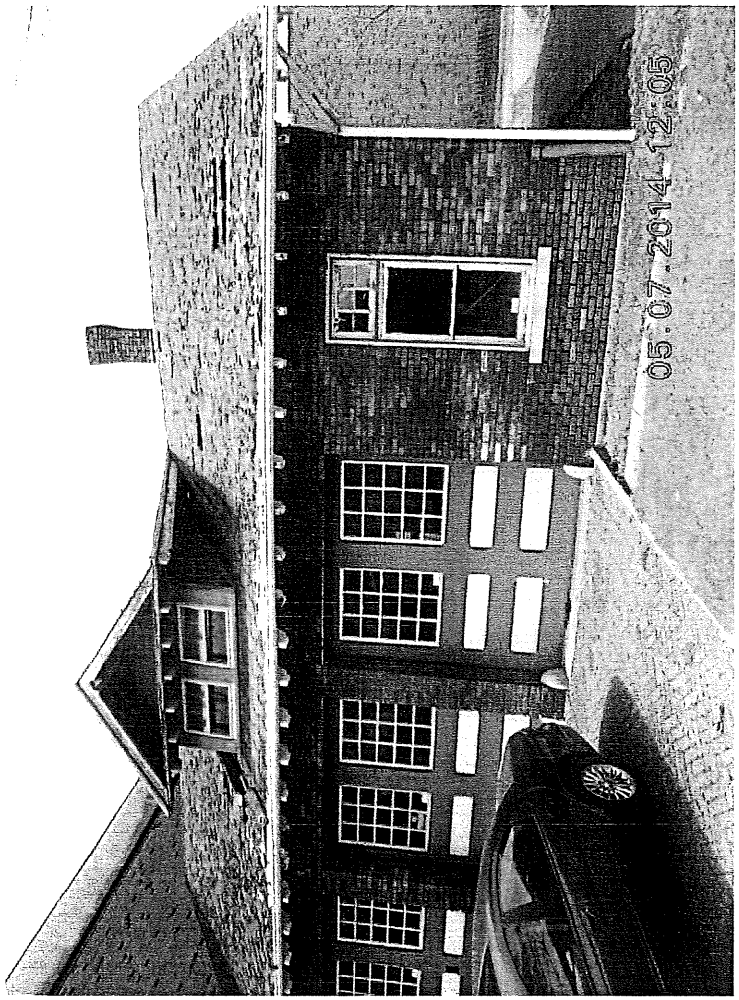
EXTRA
Photos

200 Capital
Ave. NE



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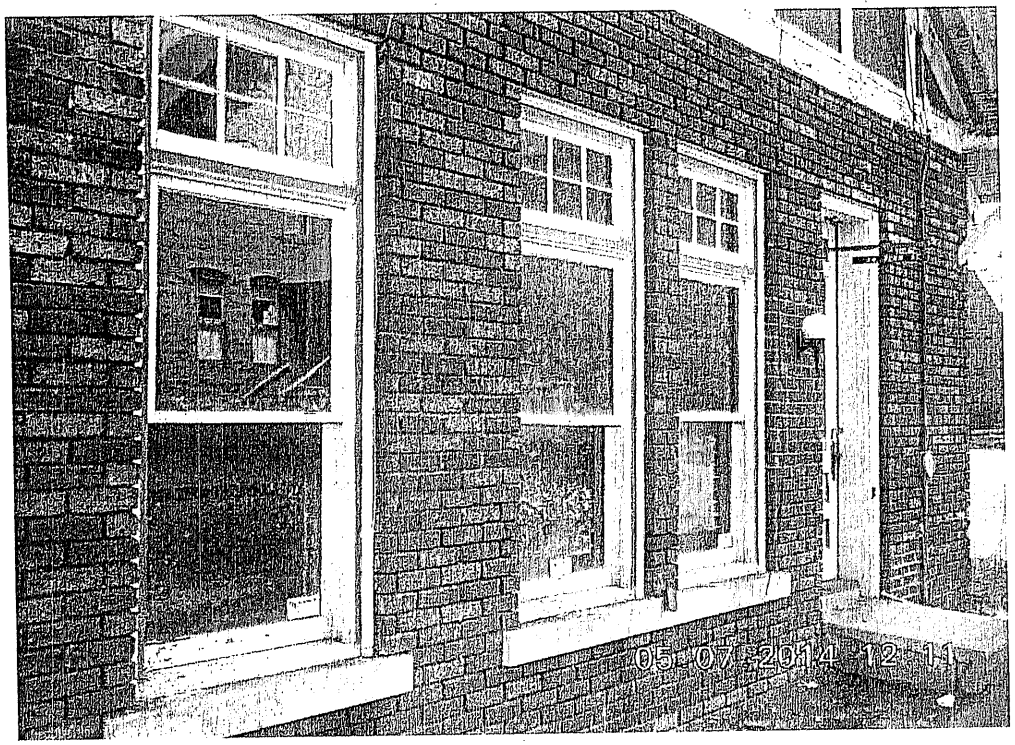
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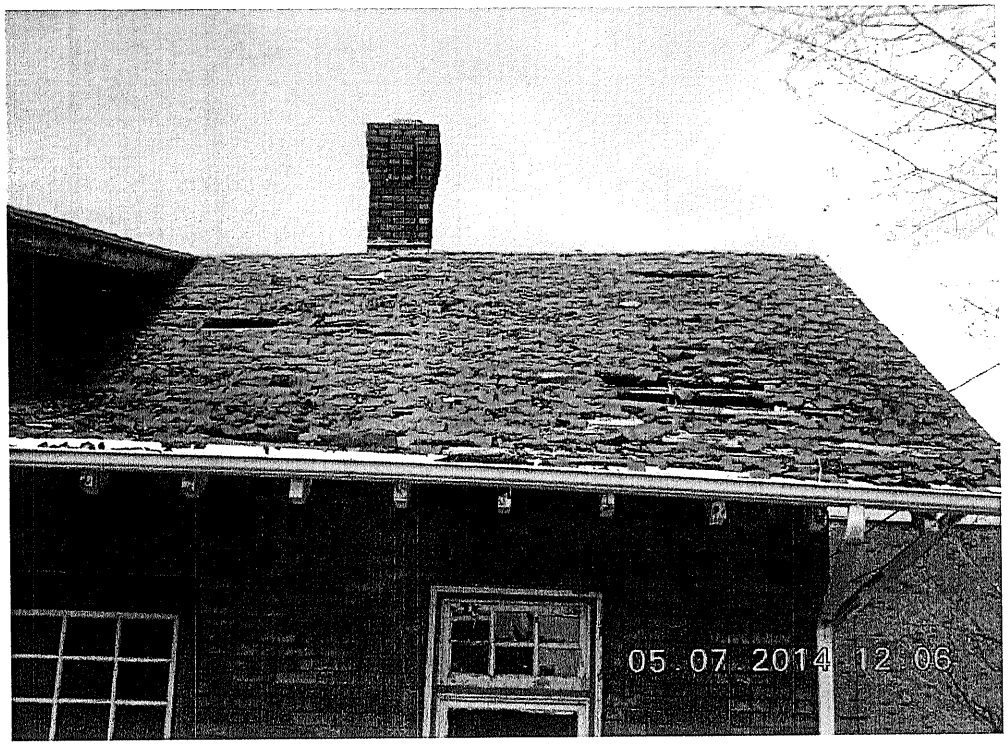
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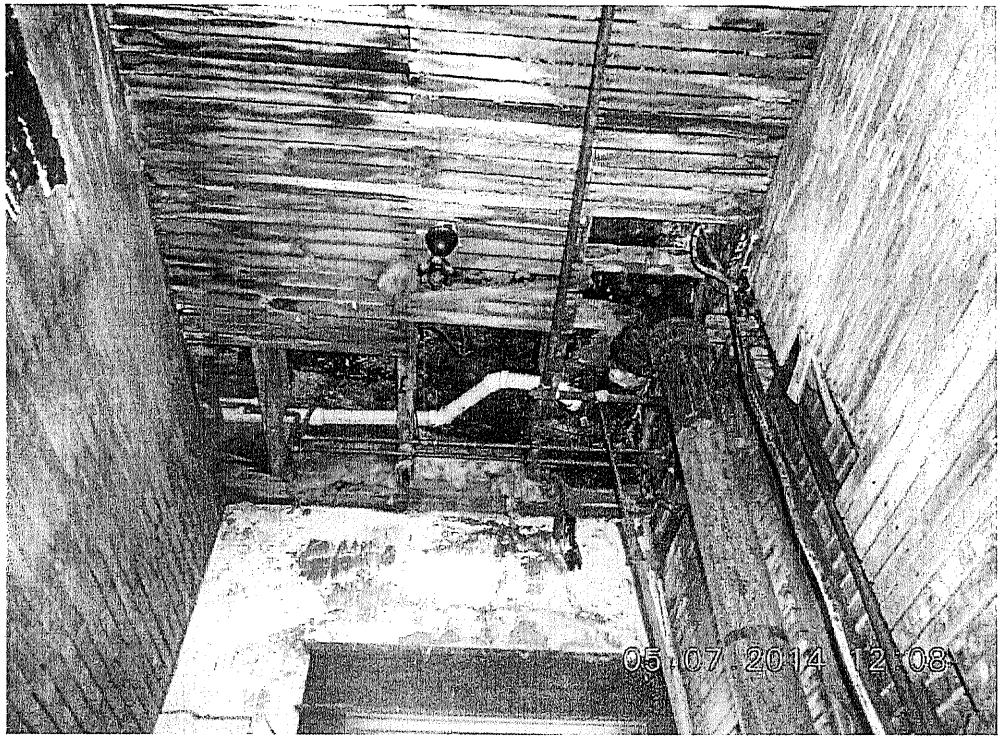
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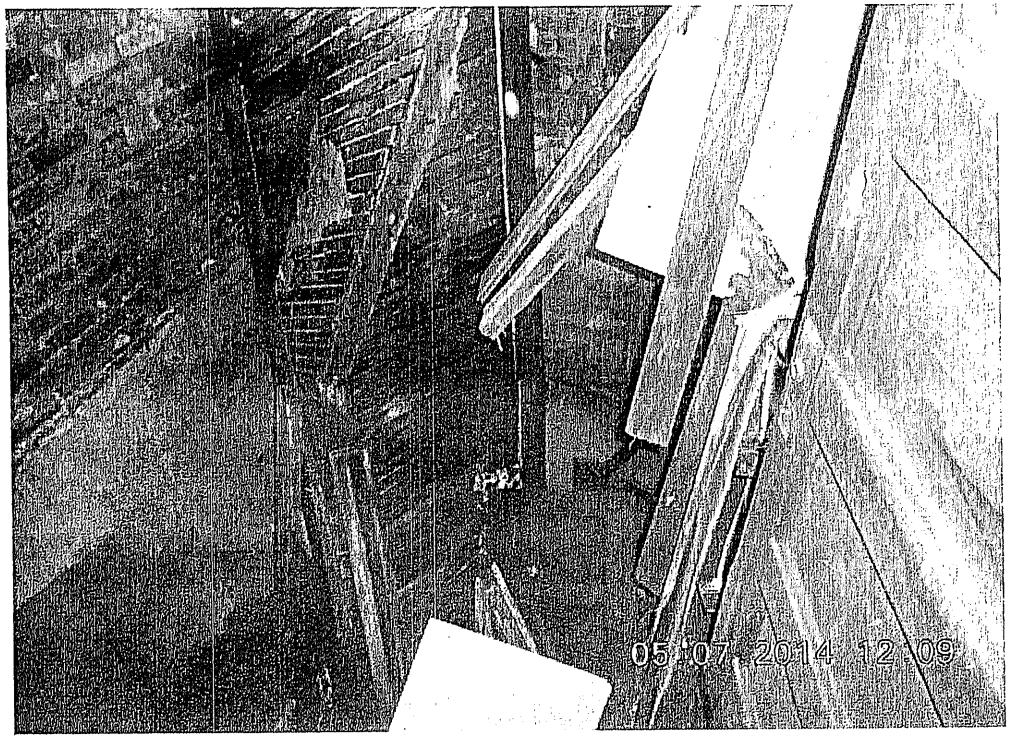
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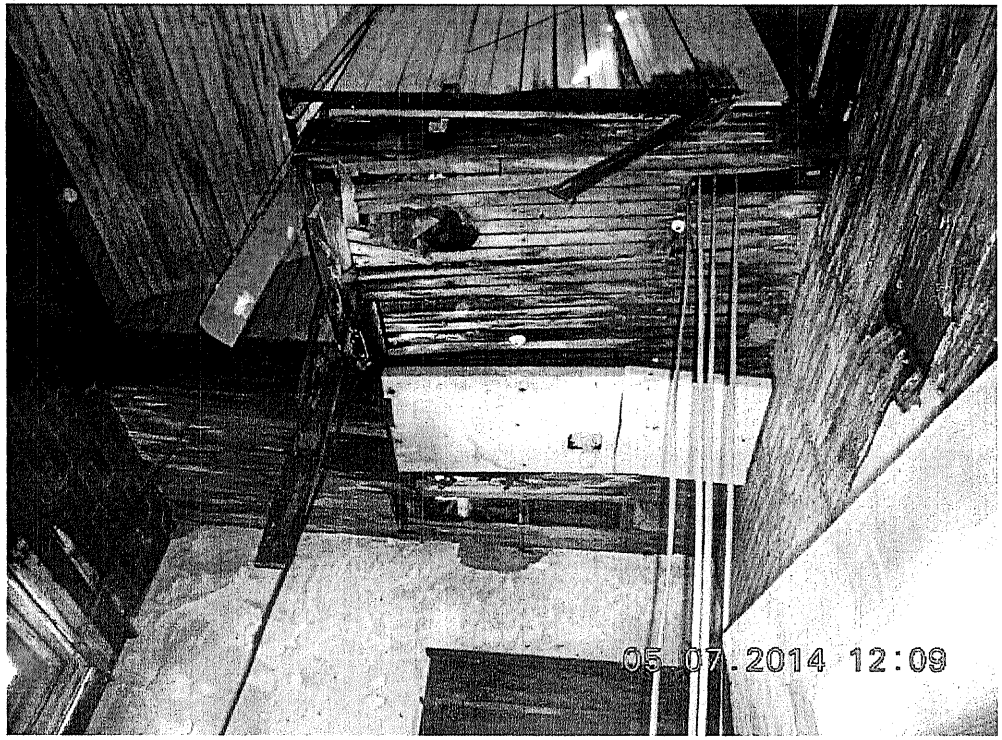
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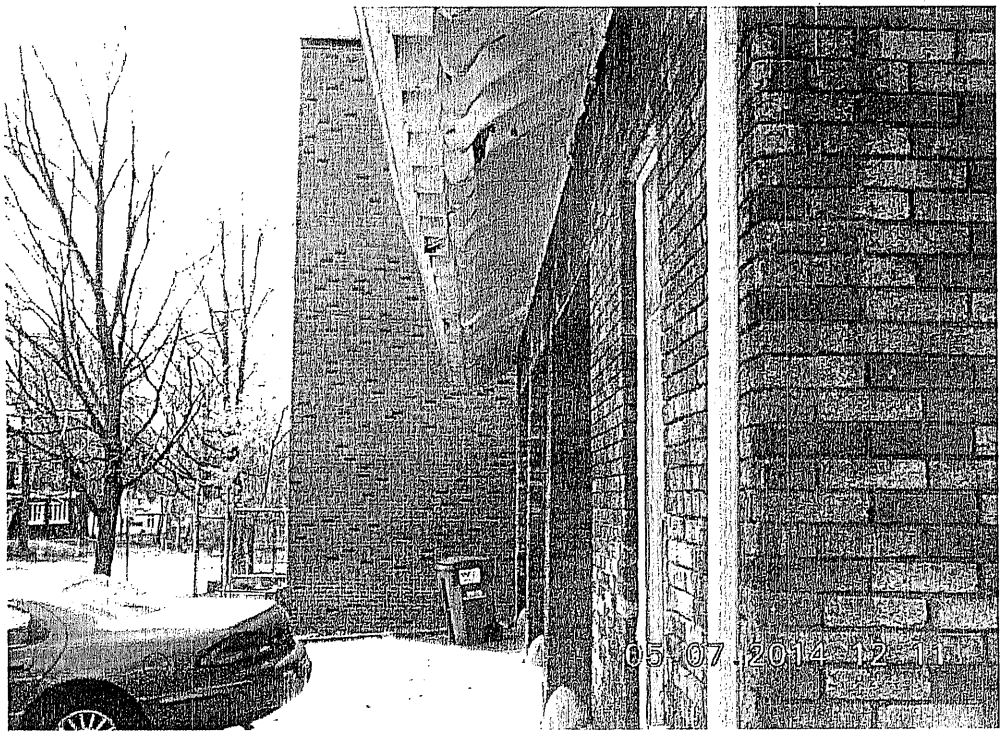
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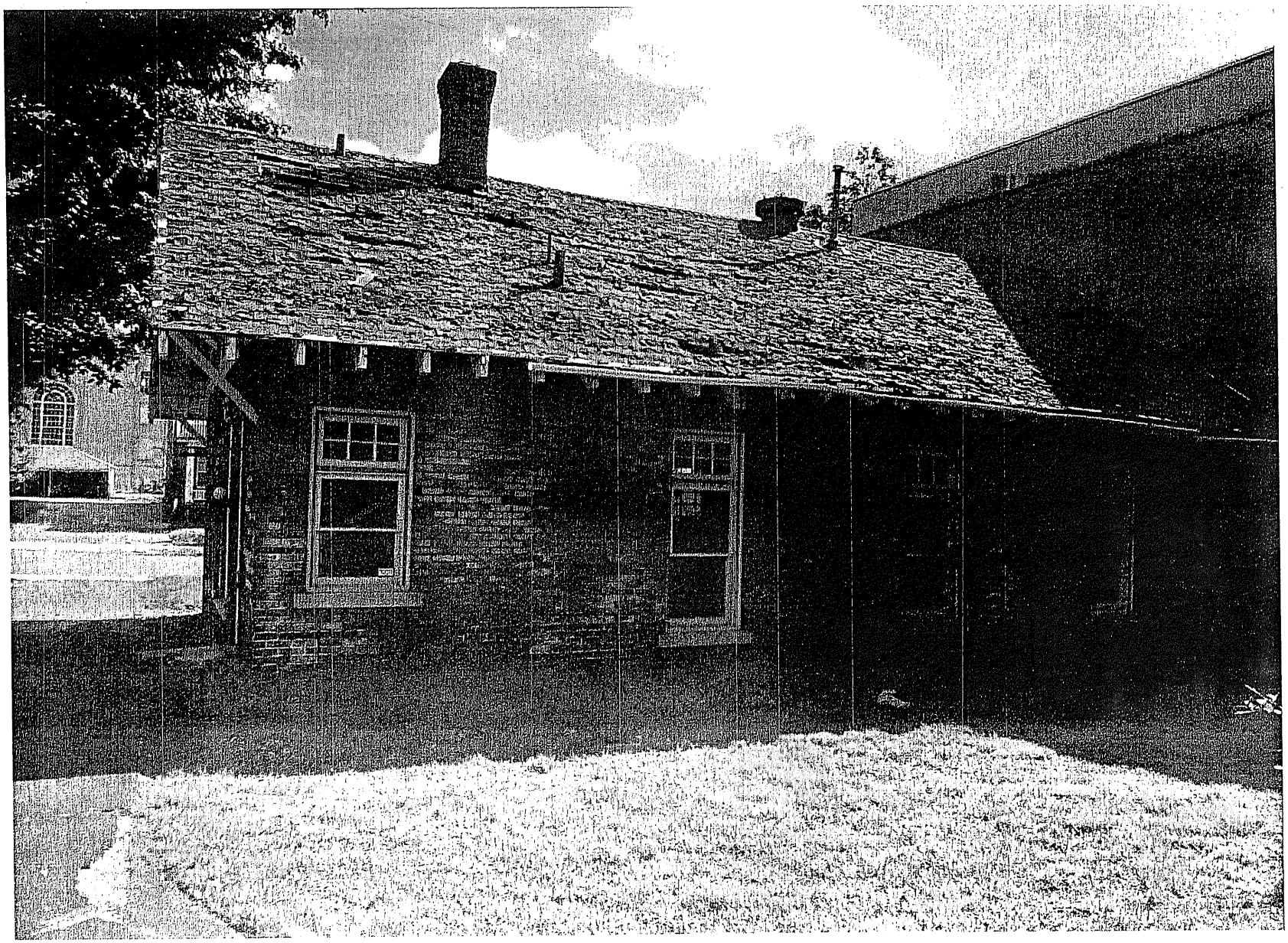

FILE COPY

BATTLE CREEK

DEPARTMENT OF PLANNING AND ZONING

April 22, 2014

Gregory Dotson
200 Capital Avenue NE
Battle Creek, MI 49017-3925

RE: HDC request for a Notice to Proceed to demolish the garage at 200 Capital Ave. NE

Dear Mr. Dotson,

We have received your Application for a Notice to proceed for the demolition of the garage at 200 Capital Avenue NE. The application submitted does not include the required information listed in the "HISTORIC DISTRICT COMMISSION Information and Procedures" packet that was provided to you as part of the application for the Historic District Commission (HDC) to consider your request.

Please read through the attached Historic District Commission Information and Procedures packet and **provide the requested information no later than April 30, 2014.** If we do not receive the information by April 30, we will not have enough time to prepare the reports for the HDC and we will not put your request on the agenda for the May 12, 2014 Historic District Commission's regularly scheduled meeting and will hold your application for a later regularly scheduled HDC meeting.

Please call our offices if you have any questions at 269-966-3320.

Sincerely,

Glenn Perian, Senior Planner

enc: Historic District Commission Information and Procedures packet

City Hall / 10 N. Division Street, Suite #117 / Battle Creek, Michigan 49014
Planning – Phone: (269) 966-3320 / Fax: (269) 966-3629 / Web: www.battlecreekmi.gov