

**HOUSING BOARD OF APPEALS MINUTES  
FEBRUARY 18, 2009**

**CITY HALL  
10 N. DIVISION STREET  
COMMISSION CHAMBERS  
3<sup>RD</sup> FLOOR – ROOM 311  
BATTLE CREEK, MICHIGAN**

**CALL TO ORDER:** Jackie Braman, Chairman, called the meeting to order at 1:00 p.m.

**MEMBERS PRESENT:** Jackie Braman, Frank Ballard, Jim Bauer and Denise McCoy

**MEMBERS ABSENT:** Carlyle Sims

**STAFF MEMBERS PRESENT:** Eric Campbell, Code Officer, Doug Davis, Code Officer, Pam Lawson, Code Officer, Jon Presecan, Code Officer, Wayne Proudfit, Code Officer, Dennis McKinley, Code Compliance Administrator and Sandra Gray, Secretary

**ADDITIONS/DELETIONS TO THE AGENDA:**

Jackie Braman, Chairman, asked if there were any additions or deletions to the agenda.

Sandra Gray, Secretary, stated 188 W. Roosevelt Avenue has complied.

**APPROVAL OF MINUTES:** A motion was made by Jim Bauer, supported by Denise McCoy to approve the December 17, 2008 Minutes. All yes. Motion carried.

**DANGEROUS BUILDINGS SHOW-CAUSE HEARINGS:**

**25 Annapolis Avenue:** Calhoun County Treasurer, property owner, was not present.

A motion was made by Jim Bauer, supported by Denise McCoy to affirm the order due to the non appearance of the property owner. All yes. Motion carried.

**37 Battle Creek Avenue:** John & Charlene Smith, property owners, were not present.

A motion was made by Denise McCoy, supported by Jim Bauer to affirm the order due to the non appearance of the property owner. All yes. Motion carried.

**145 Battle Creek Avenue:** Bodian Holdings LLC, property owner, was not present.

A motion was made by Jim Bauer, supported by Denise McCoy to affirm the order due to the non appearance of the property owner. All yes. Motion carried.

**107 Bennett Street:** John Kenefick, property owner, was not present.

A motion was made by Jim Bauer, supported by Denise McCoy to affirm the order due to the non appearance of the property owner. All yes. Motion carried.

**44 Boardman Avenue:** Rose Acceptance Inc., property owner, was not present.

A motion was made by Jim Bauer, supported by Denise McCoy to affirm the order due to the non appearance of the property owner. All yes. Motion carried.

**320 Cliff Street:** LaSalle Bank NA, property owner, was not present.

A motion was made by Denise McCoy, supported by Frank Ballard to affirm the order due to the non appearance of the property owner. All yes. Motion carried.

**38 Janoah Avenue:** Linda Bouffard, property owner, was present.

Linda Bouffard stated that she is in the process of gutting the house a little at a time and does have a dumpster. She stated that if the house is 50 percent salvageable she qualifies for a city loan up to \$50,000.

Denise McCoy asked how long has it been vacant and is it secured.

Linda Bouffard replied it's been vacant since the day of the fire, September 8, 2008 and it is secured.

Jim Bauer asked if you have any of the paperwork required of you in the letter you received.

Linda Bouffard stated nothing has changed since she submitted her paperwork to the Board in December. There is no insurance, no agencies assisting her but she is a part of Neighbor's Creating Change. Her plan still is to rehab the house and will have family members assist her.

A motion was made by Denise McCoy, supported by Jim Bauer to affirm the order due to no progress being made on the property. All yes. Motion carried.

**80 Jordan Street:** Levi White, property owner, was not present.

A motion was made by Jim Bauer, supported by Frank Ballard to affirm the order due to the non appearance of the property owner. All yes. Motion carried.

**33 N. McCamly Street:** Marcia Magiera spoke on behalf of Frank Magiera.

Marcia Magiera submitted a written quote from Wharry Engineering to do the work needed.

Chairman Braman asked what is the structure being used for and when did you retain Wharry Engineering because the quote is not dated.

Marcia Magiera replied the structure has been used for storage and she retained Wharry Engineering yesterday.

Jim Bauer asked if you're turning it into a restaurant.

Marcia Magiera replied it will be a café.

Chairman Braman asked if the deteriorated foundation has to do with the front of the structure or is it just the rear section.

Jon Presecan, Code Officer, replied it's just the rear section.

Chairman Braman asked what happens if we affirm the order.

Dennis McKinley, Code Compliance Administrator, stated it would move along in the process for demolition but the city is always willing to work with anyone who shows proof that they are going to correct the violations.

Marcia Magiera asked if that meant she has 21 days to bring the property up to code.

Chairman Braman commented that this means you have 21 days to discuss this issue with Code Compliance and moving on correcting the violations.

Marcia Magiera felt that the Board should have given her an extension because you can't pour concrete at the time of the year.

Chairman Braman replied that you've had at least six weeks to get a contractor but you just got a quote the day before this meeting.

A motion was made by Jim Bauer, supported by Denise McCoy to affirm the order due to no progress having been made on the property. All yes. Motion carried.

**22 Seedorf Street:** George Flenorl, property owner, was present.

George Flenorl stated his intent is to rehab the house and move back in. He is having a problem getting assistance and/or the funds. He stated three contractors have come to the house but none of them have provided him with a copy of the quotes. He further stated that he has an appointment with Neighborhood Inc. to see if they can assist him.

Denise McCoy asked if Mr. Flenorl had insurance and does he have an advocate that can speak for him.

George Flenorl replied "no" to both questions.

Chairman Braman commented that if the Board affirmed the property, it might make someone take notice that you need assistance.

A motion was made by Jim Bauer, supported by Frank Ballard to affirm the order. All yes. Motion carried.

**OLD BUSINESS:**

**188 W. Roosevelt Avenue: COMPLIED**

**78 Baker Court:** Carlos Calderon spoke on behalf of his father Benjamin Calderon.

Chairman Braman commented at last month's meeting, the Board requested that the property owner meet with the building inspector to determine the structural stability of the front porch beams.

Carlos Calderon replied that he went ahead and put in temporary beams as you requested and will complete the work when the weather permits.

Jim Bauer replied the Board did not tell you to put the beams in, we requested that you meet with the building inspector so that he could determine what needed to be done. He felt that this was not just a cosmetic problem but thought there might be structural damage to the porch.

Carlos Calderon replied he knew that by putting in the beams that it would make the front porch more stable and didn't understand why the Board couldn't wait until the weather broke for him to complete the work.

Chairman Braman replied because of the weight of the snow, you don't know how structurally sound the roof is. She also stated this situation has been like this for the past year or so and you could have made the repairs way before now.

Denise McCoy asked if the property was vacant. She also asked the Code Officer if she has done an inspection.

Carlos Calderon replied that he has two tenants.

Pam Lawson stated Neighborhood Services would do the interior inspection because it is a rental.

Frank Ballard, Building Inspector, commented that Mr. Calderon should schedule an appointment with him so that he can determine if it meets code.

Chairman Braman commented that you were required to put numbers on each apartment and repair the front porch decking and it does not look like you have repaired what was needed on the roof line.

Pam Lawson, Code Officer, recommended that Mr. Calderon be requested to meet with the building inspector regarding the stability of the beams and be given an extension until May 1 to correct all of the violations on the order to repair.

Chairman Braman felt that was a good idea but wants to put a codicil in the motion that if he does not meet with the building inspector within two weeks that his appeal would revert to a denial.

A motion was made by Jim Bauer, supported Denise McCoy to grant an extension until May 1, 2009 contingent upon the property owner scheduling an inspection with the building inspector within two weeks from today to determine if the porch supports meet building code specifications and the remaining violations on the order to repair. If the property owner does not schedule the inspection with the building inspector, the motion would revert to a denial. All yes. Motion carried.

**63 Cleveland Street:** Leticia Rodriguez, property owner, was present.

Leticia Rodriguez requested an extension until May 1 and felt the work should be done by then.

A motion was made by Jim Bauer, supported Frank Ballard to grant an extension May 1, 2009. All yes. Motion carried.

**87 W. Rittenhouse Avenue:** Leticia Rodriguez, property owner, was present.

Leticia Rodriguez requested an extension until May 1 and felt the work should be done by then.

A motion was made by Jim Bauer, supported Frank Ballard to grant an extension May 1, 2009. All yes. Motion carried.

**101 Angell Street:** Precious Holder, property owner, was not present.

A motion was made by Jim Bauer, supported Frank Ballard to deny the appeal due to the non-appearance of the property owner. All yes. Motion carried.

## **NEW BUSINESS:**

**299 Capital Avenue NE:** Henry Turner, property owner, was present.

Henry Turner stated that all the issues in apartment D-1 and the exhaust fan in apartment B-2 have been resolved. Henry Turner requested a 30-day extension to clear up three small violations but asked about two apartments that share one bathroom that is in the hallway and if it's grandfathered because when he bought the building that's the way it was arranged.

A motion was made by Jim Bauer, supported Denise McCoy to grant a 30-day extension re correct the three violations remaining but also to get clarification as to if two apartments can share one bathroom in a hallway. Also, what code it falls under and/or if it's grandfathered. All yes. Motion carried.

**387 Capital Avenue SW:** Pamela Harris, property owner, was not present.

Pam Lawson, Code Officer, stated Ms. Harris called her and indicated that she had been in an accident and had gone to the emergency room and would not be able to attend today's

meeting. She told Ms. Harris that if she did not attend the meeting and without proper proof of the accident, the Board could possibly deny her appeal.

A motion was made by Jim Bauer, supported Denise McCoy to deny the appeal due to the non-appearance of the property owner. All yes. Motion carried.

**567 Capital Avenue SW:** Marcia Lewis, property owner, was present.

Marcia Lewis stated if she is granted an extension until June 1, she felt the work would be completed by then.

A motion was made by Jim Bauer, supported by Denise McCoy to grant an extension until June 1, 2009. All yes. Motion carried.

**76 Cherry Street:** Beth Dunlap, property owner, was present.

Beth Dunlap stated that she did not understand why this property is on the agenda because she has had several conversations with Susan Bedsole indicating to her that their intent was to demolish the structure. She felt that the structure should be demolished some time in June once the funds are available and the asbestos report is done.

A motion was made by Denise McCoy, supported by Jim Bauer to grant an extension until June 1, 2009. All yes. Motion carried.

**370 W. Goguac Street:** Balinda Wood, property owner, was present.

Balinda Wood believes the work should be done by May 1 and asked for an extension until that time.

A motion was made by Denise McCoy, supported by Jim Bauer to grant an extension until May 1, 2009. All yes. Motion carried.

**94 Summer Street:** Melinda Mitchell, property owner, was not present.

A motion was made by Jim Bauer, supported Denise McCoy to deny the appeal due to the non-appearance of the property owner. All yes. Motion carried.

**PUBLIC COMMENTS:** None.

**BOARD AND STAFF COMMENTS:** None.

**ADJOURNMENT:**

Chairman Braman adjourned the meeting at 2:35 p.m.

/sfg

