

**HOUSING BOARD OF APPEALS MINUTES  
MAY 20, 2009**

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

**CALL TO ORDER:** Denise McCoy, Vice Chairman, called the meeting to order at 1:00 p.m.

**MEMBERS PRESENT:** Frank Ballard, Jim Bauer, Denise McCoy and Carlyle Sims

**MEMBERS ABSENT:** Jackie Braman

**STAFF MEMBERS PRESENT:** Steve Bundle, Code Officer, Jeanette Cook, Code Officer, Doug Davis, Code Officer, Pam Lawson, Code Officer, Todd Nowicki, Code Officer, Wayne Proudfit, Code Officer and Sandra Gray, Secretary

**ADDITIONS/DELETIONS TO THE AGENDA:**

Denise McCoy, Vice Chairman, asked if there were any additions or deletions to the agenda.

Sandra Gray, Secretary, replied that the following properties have complied: 370 W. Goguac Street, 42 Arthur Street, 597 Capital Avenue SW and 225 Spring Street. The following properties were removed from the agenda: 27 Cliff Street (to be rescheduled) and 163 Upton Avenue.

**APPROVAL OF MINUTES:** A motion was made by Carlyle Sims, supported by Jim Bauer to approve the April 15, 2009 Minutes. All yes. Motion carried.

**OLD BUSINESS:**

**146 Lathrop Avenue:** Cortney Jackson, property owner, was present.

Steve Bundle, Code Officer, stated Mr. Jackson has two violations remaining to correct and would recommend a 60-day extension.

Denise McCoy, Vice Chairman, asked if the violations could be corrected in 60 days.

Cortney Jackson replied "yes".

A motion was made by Carlyle Sims, supported by Jim Bauer to grant a 60-day extension. All yes. Motion carried.

**220 Oneita Street:** Brenda Schroll, property owner, was present.

Brenda Schroll stated as of today, the issues she has addressed are the trees and painting. No work has been done to the roof and she would need at least 60 days to save the money and correct the violations cited for the roof.

A motion was made by Carlyle Sims, supported by Frank Ballard to grant a 60-day extension. All yes. Motion carried.

**78 Baker Court:** Benjamin Calderon, property owner, was not present.

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

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

Jon Presecan, Code Officer, stated as of today, the house numbers and guardrail have been corrected but the windows, scraping and painting have not.

Leticia Rodriguez stated they are working on this house and 87 W. Rittenhouse Avenue which limits what they can do at each house.

Carlyle Sims stated the property owner has received two extensions from the Board and it would be his recommendation to deny the appeal due to the lack of significant progress being made to correct the violations.

A motion was made by Carlyle Sims, supported by Jim Bauer to deny the appeal due to the lack of significant progress being made on correcting the violations. All yes. Motion carried.

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

Jon Presecan stated the deteriorated roof on the west side, scraping and painting, soffit and fascia are still in need of repair. However, the section of the roof mentioned does appear to be ready to be reshingled. He also noted that a building permit has been obtained and it does not expire until July 22. His recommendation would be for a 60-day extension.

Denise McCoy asked if the repairs could be corrected in 60 days.

Leticia Rodriguez replied they would try to get it done in that time.

A motion was made by Jim Bauer, supported by Frank Ballard to grant a 60-day extension. All yes. Motion carried.

**370 W. Goguac Street:** Complied.

**NEW BUSINESS:**

**27 Cliff Street:** Removed from agenda.

**127 James Street:** Diane Stark, property owner, was not present.

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

**176 Central Street:** Promise Land Solutions Inc., property owner, was not present.

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

**276 N. McKinley Avenue:** Michael Ware, property owner, was present.

Michael Ware felt that if given a 60-day extension, the violations should be corrected.

Jeanette Cook, Code Officer, replied that a 60-day extension is fine.

A motion was made by Carlyle Sims, supported by Frank Ballard to grant a 60-day extension. All yes. Motion carried.

**35 Riverview Avenue:** Ronald Matheison, property owner, was present.

Ron Matheison stated he and his wife have done a lot of rehab work to their house and would need additional time to do the scraping and painting.

A motion was made by Frank Ballard, supported by Jim Bauer to grant a 60-day extension. All yes. Motion carried.

**33 Shepard Street:** Sherilyn Britt, property owner, was present.

Sherilyn Britt stated that she and her husband have no financial resources to correct the violations and she has made contact with 211, CA and City's Housing Rehab and none of them are able to help her. She has no plans to correct the violations.

A motion was made by Jim Bauer, supported by Carlyle Sims to deny the appeal due to no progress being made to correct the violations. All yes. Motion carried.

**44 New England Avenue:** Mark Lucas spoke on behalf of the property owner.

Mark Lucas submitted a written authorization from Andrew Loring to speak on his behalf. He stated that he will be painting the house and would need at least 60 days, weather permitting, to accomplish this.

A motion was made by Carlyle Sims, supported by Jim Bauer to grant a 60-day extension. All yes. Motion carried.

**409 N. Washington Avenue:** Carlos Calderon, property owner, was not present.

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

**35 Arthur Street:** Sonia Rhodes, property owner, was present.

Sonia Rhodes stated if given a 60-day extension, she felt the violations could be corrected.

Jon Presecan, Code Officer, stated he has no problem with her request.

A motion was made by Jim Bauer, supported by Frank Ballard to grant a 60-day extension. All yes. Motion carried.

**42 Arthur Street:** Complied.

**597 Capital Avenue SW:** Complied.

**16 Roe Street:** Nawed Shaikh, property owner, was present.

Nawed Shaikh stated the front storm doors have been reinstalled and would like a 60-day extension.

Jon Presecan, Code Officer, concurred that the front storm doors had been reinstalled and has no problem with a 60-day extension.

A motion was made by Carlyle Sims, supported by Jim Bauer to grant a 60-day extension. All yes. Motion carried.

**35 E. Territorial Road:** Leonel Garcia, property owner, was not present.

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

**38 E. Territorial Road:** Pamela Lett, property owner, was present.

Pamela Lett stated she is scheduled to be out of town for two months or so and wanted to make sure she attended today's meeting to ask for a 90 day extension. She believes the work could be done within that time.

Jon Presecan, Code Officer, stated he is comfortable with the 90-day extension.

Carlyle Sims replied the Board usually does not grant that amount of time and would be more comfortable with a 60-day extension.

A motion was made by Carlyle Sims with no support to grant a 60-day extension. Having no support, the motion failed.

A motion was made by Jim Bauer, supported by Frank Ballard to grant a 90-day extension.

Vote:

Yes – Denise McCoy, Frank Ballard and Jim Bauer

No – Carlyle Sims

Motion carried.

**51 Blanch Street:** Leonard Kellis, property owner, was present.

Leonard Kellis stated he knows there are a lot of violations but he needs some assistance and additional time.

Wayne Proudfit, Code Officer, stated that some of the siding has been done but there is a lot more to do.

Denise McCoy, Vice Chairman, suggested that Mr. Kellis contact the Code Compliance Office for direction.

Carlyle Sims recommended a 30-day extension to give him time to meet with Code Compliance and get some type of direction or assistance.

A motion was made by Carlyle Sims, supported by Jim Bauer to grant a 30-day extension. All yes. Motion carried.

**155 W. Burnham Street:** Dawn and Daniel Williams, property owners, were present.

Wayne Proudfit, Code Officer, stated the shed has been removed and some progress has been made in correcting the violations.

Dawn Williams stated they are working on correcting the violations but will need at least 60 days to complete the task.

A motion was made by Jim Bauer, supported by Carlyle Sims to grant a 60-day extension. All yes. Motion carried.

**96 Burr Street:** Danny Milslagle, property owner, was not present.

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

**17 Magner Street:** Ricky Lees, property owner, was not present.

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

**225 Spring Street:** Complied.

### **Dangerous Buildings Show Cause Hearings:**

**23 Caine Street (House):** Earlene Johnson, property owner, was present.

Earlene Johnson stated there was a fire at this address and the insurance company is investigating the cause of the fire. Until that is determined and the claim settled, her hands are tied.

Carlyle Sims stated since the issue with the insurance company could take some time, he recommended that the Board affirm the order and have Ms. Johnson work with the Code Compliance Department.

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

**12 Hancock Court (House):** Jessica Wells, property owner, was not present.

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

**137 Hazel Street (House):** Lavonza Wilson-Fields and LaVon McKinley, property owners, were not present.

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

**234 Kellogg Street (House & Shed):** Andrew Askler, property owner, was not present.

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

**239 S. Kendall Street (House):** Esmer French, property owner, was present.

Esmer French asked for an extension to allow him time to save money and rehab the house. Currently he uses the house as storage for his business.

Pam Lawson, Code Officer, recommended that Mr. French schedule a safety inspection with the Inspections Division to determine the extent of violations to be corrected.

A motion was made by Jim Bauer, supported by Carlyle Sims to modify the order for 30 days. All yes. Motion carried.

**197 Meachem Avenue (House):** Bonita Keeler, property owner, was present.

Bonita Keeler stated a safety inspection was done and she was told that a copy of the report would be mailed to her. However, after waiting for a week or so, she contacted Andy Harrison, Plumbing/Mechanical Inspector to ask where the report was but he never returned her call. She stated a sale was pending while they waited for the report but it fell throu because she never received it which was required to give to the purchaser. She also questioned why her property is the only one registered with the police department.

Sandra Gray, Secretary, stated if the safety inspection has been done, she would make sure Ms. Keeler gets a copy.

A motion was made by Jim Bauer, supported by Carlyle Sims to modify the order for 30 days. All yes. Motion carried.

**1253 W. Michigan Avenue (House):** Brian Watkins and Ben Reed, property owners, were not present.

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

**196 W. Rittenhouse Avenue (House & Garage):** Alvin Armstrong, property owner, was present.

Alvin Armstrong stated the safety inspection was done but he never received a copy of the report. He stated that he would do the work himself along with a friend.

Carlyle Sims asked if the house is vacant.

Alvin Armstrong replied it is vacant but he plans to rehab it and then move in.

Carlyle Sims stated if you currently are not living there and the house is vacant, you would need to have a licensed contractor pull the permits and do the work.

Alvin Armstrong replied the Mechanical/Plumbing Inspector told him that he could pull the permits and do the work himself if he intends to live there.

Carlyle Sims stated that information is incorrect.

Frank Ballard, Building Inspector, stated if you are not living there, you would need to have a licensed contractor pull the permits and do the work.

Alvin Armstrong commented that the City of Battle Creek needs to get their information straight because one city employee is telling him one thing while another one is telling him something totally different.

Sandra Gray, Secretary, stated if the safety inspection has been done, she would make sure Mr. Armstrong gets a copy.

A motion was made by Jim Bauer, supported by Carlyle Sims to modify the order for 60 days. All yes. Motion carried.

**119 Seivour Avenue (House):** Mary Denton, property owner, was present.

Mary Denton stated the mailing address for this property is incorrect and the only way she knew about today's meeting is because the bank sent her a copy.

Sandra Gray, Secretary, stated the letter was mailed to the address that appears on the assessor's records and asked for the correct mailing address. She also recommended that Ms. Denton stop by the Assessor's Office to update her mailing address.

Mary Denton stated her correct address is 5590 Irving Road, Hastings, Michigan. She went on to ask for a 30-day extension to correct the violations.

Pam Lawson, Code Officer, stated that a safety inspection needs to be done at this property and that Ms. Denton should schedule that inspection with the Inspections Division.

Carlyle Sims recommended a 30-day extension to allow Ms. Denton the time needed to schedule the inspection and get a copy of the report.

A motion was made by Jim Bauer, supported by Carlyle Sims to modify the order for 30 days. All yes. Motion carried.

**125 Spring Street (House)**: Lee Cornish, property owner, was not present.

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

**41 Tennyson Avenue (House)**: Nicole Young, property owner, was not present.

Crystal Gardner submitted a copy of the Quit Claim Deed to confirm that she purchased the house from Nicole Young. She intends to rehab the house and is asking for an extension.

Pam Lawson, Code Officer, stated that a safety inspection needs to be done at this property and recommended that Ms. Gardner schedule the inspection with the Inspections Division.

A motion was made by Jim Bauer, supported by Carlyle Sims to modify the order for 60 days. All yes. Motion carried.

**318 S. Union Street (House)**: James & Virginia Hubbard, property owners, were not present.

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

**163 Upton Avenue (Structure)**: Removed from agenda.

**PUBLIC COMMENTS**: None

**BOARD AND STAFF COMMENTS**: None

**ADJOURNMENT**:

Vice Chairman McCoy adjourned the meeting at 2:58 p.m.

/sfg

