

**HOUSING BOARD OF APPEALS MINUTES  
JULY 15, 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 1:06 p.m.

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

**MEMBERS ABSENT:** Jim Bauer and Jackie Braman

**STAFF MEMBERS PRESENT:** Steve Bundle, Code Officer, Jeanette Cook, Code Officer, Doug Davis, Code Officer, Jason Francisco, Pam Lawson, Code Officer, Todd Nowicki, Code Officer, Dennis McKinley, Code Compliance Administrator 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: 567 Capital Avenue SW, 56 Hannah Street, 89 Inn Road, 40 James Street, 45 James Street, 95 Marjorie Street, 191 Bryant Street, 19 N. McKinley Avenue, 152 Fuller Road, 367 E. Burnham Street, 395 E. Burnham Street, 369 Capital Avenue SW, 418 Capital Avenue SW, 40 W. Bidwell Street, 349 W. Goguac Street, 347 W. Goguac Street, 358 W. Goguac Street, 409 W. Goguac Street, 134 Highland Avenue, 203 Highland Avenue, 431 Orleans Avenue 115 Spring Street, 260 Spring Street, 200 Summer Street, 424 Upton Avenue.

**APPROVAL OF MINUTES:** A motion was made by Carlyle Sims, supported by Frank Ballard to approve the June 17, 2009 Minutes. All yes. Motion carried.

**OLD BUSINESS:**

**567 Capital Avenue SW:** Complied.

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

Leonard Kellis stated some of the violations have been corrected and he would request an additional 30 days to come into compliance.

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

**NEW BUSINESS:**

**56 Hannah Street:** Complied.

**89 Inn Road:** Complied.

**40 James Street:** Complied.

**45 James Street:** Complied.

**135 E. Kingman Avenue:** Kenneth Mathis, property was not present.

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

Kenneth Mathis entered the meeting after the decision of the Board and asked that the Board reconsider their decision. He stated that he will be getting assistance from CA and would ask for additional time.

A motion was made by Carlyle Sims, supported by Frank Ballard to rescind the motion to deny the appeal based on the property owner's comments. All yes. Motion carried.

A motion was made by Carlyle Sims, supported by Frank Ballard to grant a 90-day extension. All yes. Motion carried.

**95 Marjorie Street:** Complied.

**43 New England Avenue:** Wayne Warner, property owner, was not present.

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

**42 Post Avenue:** Andrew Gray, property owner, was not present.

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

**118 Post Avenue:** Jose Luis Valencia, property owner, was not present.

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

**184 Post Avenue:** John Belcher, property owner, was not present.

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

**314 S. Union Street:** Keith Coller, property owner, was present.

Keith Coller requested a 60-day extension and stated the work should be completed by then.

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

**25 Vale Street:** Steve Wolverton, property owner, was present.

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

**35 Vale Street:** Jerry Alexander, property owner, was present.

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

**191 Bryant Street:** Complied.

**52 Cherry Street:** Property sold to St. Phillip Catholic Church and has been removed from the agenda.

**261 E. Emmett Street:** James Carey, Trust, property owner, was not present.

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

**331 E. Emmett Street:** Removed and rescheduled for next month.

**136 Frelinghuysen Avenue:** Howard Miller, property owner, was present.

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

**19 N. McKinley Avenue:** Complied.

**216 N. McKinley Avenue:** Cheryl Mapes, property owner, was present.

Cheryl Mapes stated they are in the process of having the house scraped and painted and requested a 60-day extension.

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

**56 Riverview Avenue:** Kathryn Bradford-Franklin, property owner, was present.

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

**32 Rose Street:** John Fain, Jr., property owner, was not present.

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

**9 Woodward Avenue:** Archibald MacGregor, Jr., property owner, was present.

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

**34 Woodward Avenue:** Jermar Pait, property owner, was present.

Jermar Pait requested a 60-day extension to correct the violations.

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

**485 Parkway Drive:** Sherry Riley, property owner, was not present.

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

**4478 Beckley Road: Olan Ludwick, property owner, was present.**

Olan Ludwick stated he will be painting the house by himself and requested a 60-day extension.

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

**152 Fuller Road:** Complied.

**367 E. Burnham Street:** Complied.

**395 E. Burnham Street:** Complied.

**24 E. Kingman Avenue:** Robert Sichinga, property owner, was not present.

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

**297 SW Capital Avenue:** Removed and rescheduled for next month.

**369 SW Capital Avenue:** Complied.

**418 SW Capital Avenue:** Complied.

**44 W. Goguac Street:** Jason Henry, property owner, was not present.

Reggie White presented the Board with a written statement to speak on behalf of the property owner. He stated that he will be assisting Mr. Henry in correcting the violations and requested a 60-day extension.

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

**63 Spring Street:** Thomas Graham, property owner, was present.

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

**417 S. Washington Avenue:** Monique Longmire, property owner, was not present.

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

**40 W. Bidwell Street:** Complied.

**349 W. Gogzac Street:** Complied.

**347 W. Gogzac Street:** Complied.

**358 W. Gogzac Street:** Complied.

**409 W. Gogzac Street:** Complied.

**134 Highland Avenue:** Complied.

**203 Highland Avenue:** Complied.

**431 Orleans Avenue:** Complied.

**115 Spring Street:** Complied.

**260 Spring Street:** Complied.

**139 Summer Street:** Dorothy Vary, property owner, was not present.

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

**200 Summer Street:** Complied.

**424 Upton Avenue:** Complied.

**116 Webber Street:** Darrell Morrison, property owner, was present.

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

**336 Wentworth Avenue:** Kathy Billings, property owner, was present.

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

**71 S. Woodrow Avenue:** Jeffrey Shanley, property owner, was present.

Mike Breitbach provided a written authorization to speak on behalf of the property owner. Mr. Breitback the Board with an action plan and stated the work should be completed by November 2009.

Carlyle Sims stated he would be comfortable with granting a 60-day extension and have the property come back with an update on the progress. If he is making progress, he would be willing to grant an additional extension.

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

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

**4 32<sup>nd</sup> Street (House & Garage):** Bobby Jackson & Wife, property owners, were not present.

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

**119 Bennett Street (House)**: Permits have been obtained and the property removed from today's agenda.

**19 Boardman Avenue (House)**: Wesley Hummel, property owner, was present.

Wesley Hummel requested that the property be removed from the dangerous buildings process because at the time it was put into the process someone was living there. He felt that he should have been issued an order to repair instead.

Pam Lawson, Code Officer, stated cited no water service and/or gas for this property and that is why it was put into this process.

Wesley Hummel requested a 60-day extension.

Pam Lawson recommended that Mr. Hummel schedule a safety inspection for the property because it cannot be rented out until a new certificate of occupancy is issued.

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

**45 S. Broad Street (House & Garage)**: Brian Watkins, property owner, was not present.

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

**95 N. Cedar Avenue (House)**: Renee Edwards and Ted Watson, property owners, were present.

Ted Watson stated the property has been sold to Gary Wetherrill, Sr. and he does understand the property is in the dangerous buildings process.

Gary Wetherrill, Sr. stated he is in the process of buying the home and plans to rehab it.

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

**67 Cleveland Street (House)**: Adenika Tian Bacon, property owner, was not present.

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

**142 Cliff Street (House)**: Kimberly Yoder, property owner, was not present.

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

**400 Cliff Street (House & Garage)**: US Bank NA, property owner, was not present.

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

**450 Cliff Street (House & Attached Garage)**: Shane Osborne, property owner, was not present.

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

**62 Euclid Avenue (House & Garage)**: Calhoun County Treasurer, property owner, was not present.

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

**431 Fairfield (House & Garage)**: S2B Investments LLC, property owner, was present.

Rebecca Bridges stated they are correcting the violations that were noted on the dangerous buildings notice.

Denise McCoy asked if you are the owner of record.

Rebecca Bridges replied "yes".

Pam Lawson, Code Officer, stated that Ms. Bridges should schedule the safety inspection which would give her a detailed list of what violations need to be corrected in order for the certificate of occupancy to be issued.

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

**72 Frelinghuysen Avenue (House)**: Calhoun County Treasurer, property owner, was not present.

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

**50 Frisbie Avenue (House & Garage)**: Darlene Hendrix, property owner, was not present.

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

**374 W. Gogzac Street (House & Garage)**: Oak Shores Investments Inc., property owner, was not present.

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

**399 W. Gogzac Street (House)**: Erik Long, property owner, was not present.

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

**267 Greenwood Avenue (House & Garage)**: Robert Moore and Robin Moore, property owners, were not present.

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

**277 Greenwood Avenue (House & Garage)**: Mattie Fields, property owner, was not present.

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

**108 Harvard Street (House)**: Calhoun County Land Bank Authority, property owner, was not present.

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

**30 Hazel Street (House)**: Robert T. Woodford Estate, property owner, was not present.

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

**199 W. Helen Montgomery Avenue (House)**: Henry Moyer, property owner, was present.

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

**103 Highway Street (House & Garage):** John DeGolia, property owner, was not present.

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

**118 Highway Street (House):** John Farhat, property owner, was not present.

John Farhat, by fax, submitted an action and a copy of the insurance for this property.

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

**230 Howland Street (House):** Myrlene Johnson-Lewis, property owner, was not present.

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

**54 Illinois Street (Garage):** Thomas and Linda Briggs, property owner, was not present.

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

**62 Inn Road (House):** Calhoun County Treasurer, property owner, was not present.

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

**265 W. Jackson Street (House):** Linda Whitfield, property owner, was present.

Linda Whitfield stated the contractor she hired to do the work bailed and now she plans to sell the property "as is" thru Pearse Realty.

Pam Lawson stated at last month's dangerous buildings hearing, it was recommended that you schedule a safety inspection but as of today, she noted that it had not been done.

Dennis McKinley, Code Compliance Administrator, stated he and Mrs. Whitfield have had several conversations regarding this property and did give her another option which is to sign a permit to demolish. That way if the funds are available, the city would demolish it and put a lien on the property for the cost of demolition.

Carlyle Sims recommended that the Board modify for 30 days to give Mrs. Whitfield time to decide whether she wants to schedule the safety inspection, sell or sign the permit to demolish.

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

**55 Jericho Road (House & Garage):** Warren & Linda Truran, property owners, were not present.

A motion was made by Carlyle Sims, supported by Frank Ballard, 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 requested that he be granted additional time to save money and make the necessary repairs.

Pam Lawson, Code Officer, stated that safety inspection was conducted on April 13, 2009 which identified the following violations: House is being used for storage of car parts. Because of the condition of the structure it is unfit for occupancy, per Section 108, International Property Maintenance Code 2006. The back one story part of the house has holes in the roof that have let water leak in to the point that the floor has also rotted and has fallen into the basement, there is now no access to the basement. There is no water, electric or gas at this address.

A motion was made by Carlyle Sims, supported by Frank Ballard, to affirm the order due to no progress having been made on correcting the conditions at the property. All yes. Motion carried.

**75 E. Kingman Avenue (House):** Randall McGhee, property owner, was not present.

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

**278 Limit Street (House):** Deutsche Bank National Trust Co, property owner, was not present.

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

**197 Meachem Avenue (House):** Ray and Bonita Keeler, property owners, were not present.

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

**319 Meachem Avenue (House & Garage):** Secretary of Urban Development, property owner, was not present.

**473 E. Michigan Avenue (House & Garage):** Bank of New York, property owner, was not present.

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

**114 Nelson Street (House & Garage):** Gold Land Realty LLC, property owner, was not present.

Jamar Wilson representing Gold Land Realty LLC stated the safety inspection was conducted on March 26, 2009 and the safety inspection revealed the following:

Uncorrected, Building Inspection.

1. New roof needed.
2. Repair or replace soffit and fascia.
3. Repair or replace broken and non-working windows.
4. Tuck point stone foundation, foam insulation is not approved.
5. Clean up masonry chimney debris and repair siding and roof where chimney use to be.
6. Repair siding where it has fallen off.
7. Foundation on southeast side of the house is falling apart, must be repaired.
8. Michigan basement walls have collapsed on 2 walls and must be repaired.
9. Handrails and guards required on interior and exterior stairs and landing.
10. Floor in living room on north side sags down, need to tuck framing and foundation.
11. Garage - there is one broken ceiling joist and roof, siding and trim need to be repaired or replaced or garage removed.

Any roofing, siding or structural work must be done by a licensed contractor and a permit is required.

Uncorrected, Electrical Inspection.

1. Replace LB fitting below electrical meter.
2. Electric wires have been taken out of the basement at the main panel and other places, replace per code.
3. New ground required.
4. Wiring for light above suspended ceiling in dining room requires a box.
5. Electrical system will need to be replaced and brought up to existing code. Work must be done by a licensed contractor and a permit is required.

Uncorrected, Plumbing Inspection.

1. Waste and water pipe have been removed in places and some waste pipe has been changed to PVC, no permit for that change.
2. Seal around water service pipe, a sleeve needs to be installed to protect copper pipe from contact with the cement.
3. Waste and water pipe system will have to be replaced and brought up to existing code. Work must be done by a licensed contractor and a permit is required.

Uncorrected, Mechanical Inspection

1. Furnace and water heater must be safety checked by a Mechanical contractor and a report submitted to this department or replaced.
2. All gas valves must be lever handle type valves.
3. Need approved drop pipe on water heater relief valve.
4. B-vent chimney will need to be installed for gas appliances (furnace and water heater). Mechanical systems are in bad shape and will need to be repaired or replaced. Work must be done by a licensed contractor and a permit is required.

Jamar Wilson stated they are willing to work with the city in getting the house rehabbed and would ask for additional time to complete the work.

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

**155 Nelson Street (House):** Laurie Butler, property owner, was not present.

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

**144 Post Avenue (House & Garage):** Independent Bank, property owner, was not present.

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

**32 Richards Place (Garage):** Darren and Nicole Rice, property owners, were not present.

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

**121 W. Rittenhouse Avenue (House & Garage):** Stanley and Sharon Hoyt, property owners, were not present.

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

**201 W. Roosevelt Avenue (House):** Removed from agenda.

**142 Roseneath Avenue (House):** Calhoun County Treasurer, property owner, was not present.

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

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

Mary Denton asked for a 60-day extension because she is getting a mold test done and will schedule the safety inspection.

A motion was made by Carlyle Sims, supported by Frank Ballard to modify the order for 60 days to allow the mold and safety inspections to be performed. All yes. Motion carried.

**40 Somerset Avenue (House & Garage):** Calhoun County Treasurer, property owner, not present.

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

**253 Upton Avenue (House):** Novus Holdings LLC, property owner, was present.

Toby Crull stated Novus Holdings LLC bought the property on September 22, 2008 and they want to have the property rezoned to commercial. Until they find out if it can be rezoned, they do not plan on correcting the violations. He has been in contact with the Planning Department to find out how they go about getting it rezoned.

A motion was made by Carlyle Sims, supported by Frank Ballard to modify the order for 60 days to allow the mold and safety inspections to be performed. All yes. Motion carried.

**329 N. Wood Street (House):** Marbella Benitz and Eleazar Rivera, property owners, were not present.

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

**PUBLIC COMMENTS:** None

**BOARD AND STAFF COMMENTS:** None

**ADJOURNMENT:**

Vice Chairman McCoy adjourned the meeting at 3:25 p.m.

/sfg