

**HOUSING BOARD OF APPEALS MINUTES  
AUGUST 19, 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 1:06 p.m.

**MEMBERS PRESENT:** Frank Ballard, Jackie Braman, Denise McCoy (entered meeting at 1:35 p.m.) and Carlyle Sims

**MEMBERS ABSENT:** Jim Bauer

**STAFF MEMBERS PRESENT:** Steve Bundle, Code Officer, Eric Campbell, 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:**

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

Sandra Gray, Secretary, replied that the following properties have complied: 130 Cliff Street, 56 Lathrop Avenue, 9 Harvard Street, 61 Rose Street, 30 Wren Street, 35 Arthur Street, 51 Blanch Street, 177 Harris Avenue, 87 W. Rittenhouse Avenue, 181 W. Rittenhouse Avenue, 75 Grand Avenue, 348 Hubbard Street, 51 N. Bedford Road, 105 Summer Street.

The following properties have been added to the agenda: 95 Central Street, 57 Chestnut Street, 16 Eagle Street, 35 Elm Street, 331 E. Emmett Street, 43 S. Union Street, 113 E. Van Buren Street, 135 E. Van Buren Street, 297 Capital Avenue SW and 260 Spring Street.

The following properties were removed: 24 Laramie Court (building permit pulled and progress being made), 126 Orleans Avenue (to be rescheduled) and 21 Summer Street (donated to Habitat for Humanity).

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

**OLD BUSINESS:**

**130 Cliff Street:** Complied.

**52 E. Kingman Avenue:** Becky Wade, property owner, was present.

Becky Wade stated if granted a 90-day extension, the work should be completed.

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

**56 Lathrop Avenue:** Complied.

**146 Lathrop Avenue:** Complied.

**226 Lathrop Avenue:** Complied.

**228 Lathrop Avenue:** Complied.

**230 Lathrop Avenue:** Complied.

**13 Lourim Court:** James Nicholls, property owner, was present.

James Nicholls asked for 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.

**43 Midway Court:** Complied.

**44 New England Avenue:** Andrew Loring, 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.

**261 Post Avenue:** Complied.

**283 Post Avenue:** Lisa Cable, property owner, was present.

Lisa Cable requested a 60-day extension and by then, the work should be completed.

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

**820 Capital Avenue NE**: Virginia Lawson, property owner, was not present.

Ilene Mains presented the Board with written authorization to speak on Ms. Lawson's behalf. She stated that Ms. Lawson is requesting a 60-day extension to complete the work.

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

**9 Harvard Street**: Complied.

**161 N. McKinley Avenue**: Christine Davis, property owner, was present.

Christine Davis stated she has been in contact with CAA and they are willing to give her some assistance, however, she does not have the finalized paperwork. She 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.

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

Michael Ware requested a 60-day extension to repair the steps and complete the scraping and painting.

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

**31 Orchard Place**: Dwight Bynum, 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.

**61 Rose Street**: Complied.

**30 Sherman Road**: Anthony Rogers, 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.

**14 Wendell Street:** Donald Ahlberg, property owner, was not present.

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

**30 Wren Street:** Complied.

**35 Arthur Street:** Complied.

**51 Arthur Street:** Larry Brew, property owner, was present.

Larry Brew stated he was confused because there are items on the original Order to Repair that are not in need of repair.

Jackie Braman, Chairman, asked what should be done in this case.

Doug Davis, Code Officer, replied the Code Officer who issued the order to repair has retired but he would be willing to re-inspect and issue a new order to repair, if needed.

A motion was made by Carlyle Sims, supported by Frank Ballard to grant a 30-day extension to allow the home owner and code officer to meet and issue a new order to repair, if needed. All yes. Motion carried.

**51 Blanch Street:** Complied.

**76 Cherry Street:** Wilson Rentals, property owner, was not present.

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

**177 Harris Avenue:** Complied.

**87 W. Rittenhouse Avenue:** Complied.

**181 W. Rittenhouse Avenue:** Complied.

**15 Roe Street:** David Hall, property owner, was not present.

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

Mr. Hall entered the meeting after the vote to deny the appeal, however, he asked the Board to reconsider and grant a 30-day extension.

A motion was made by Carlyle Sims, supported by Denise McCoy to rescind the motion to deny the appeal. All yes. Motion carried.

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

**16 Roe Street:** Nawed Shaikh, property owner, was not present.

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

**82 Scenery Avenue:** 10K LLC and Ron Watt, property owners, were not present.

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

**38 E. Territorial Road:** Pamela Klett, property owner, was not present.

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

**75 Grand Avenue:** Complied.

**348 Hubbard Street:** Complied.

**24 Laramie Court:** Removed from agenda.

**220 Oneita Street:** Brenda Shroll, property owner, was not present.

Tony Mitchell stated he is representing Ms. Shroll and that she fell and injured her arm. She has not been able to complete the work and requested additional time.

Jackie Braman asked if you have a written statement authorizing you to speak.

Mr. Mitchell replied "no".

Carlyle Sims stated Ms. Shroll has been granted two extensions and she does not appear to be making any progress, therefore, he is going to recommend that the appeal be denied.

A motion was made by Carlyle Sims, supported by Denise McCoy to deny the appeal due to no significant progress being made on correcting the violations. All yes. Motion carried.

**51 N. Bedford Road**: Complied.

**155 Lacey Avenue**: Donald Atzman, property owner, was not present.

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

**42 Lyndale Court**: Nevin Compton, property owner, was not present.

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

**127 W. Bidwell Street**: John Boyer, property owner, was not present.

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

**25 Blair Street**: Casey Ryan, property owner, was not present.

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

**244 W. Burnham Street**: Stephen Brininstool, property owner, was present.

Stephen Brininstool stated the only violations remaining to be corrected are the roof on the porch, unpainted front steps and the garage door. He stated that he needs additional time to correct the violations because of personal issues including his finances.

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

**135 Eldred Street:** Complied.

**403 W. Goguac Street:** Louise Long, property owner, was not present.

Candy Thunder stated that her mother is deceased and left the house to her. She stated the violations listed on the order to repair have been done but now she has been told that she needs to replace a couple of windows. She questioned why it was not on the original order to repair?

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

**222 S. Kendall Street:** Jessie Strother, property owner, was not present.

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

**20 Magner Street:** Complied.

**126 Orleans Avenue:** Removed from agenda.

**23 Ridge Street:** Complied.

**39 Ridge Street:** Stuart Anderson, property owner, was not present.

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

**21 Summer Street:** Removed from agenda; donated to Habitat for Humanity.

**83 Summer Street:** David Lawrence, property owner, was present.

David Lawrence stated he plans to donate the house to Habitat for Humanity.

A motion was made by Carlyle Sims, supported by Denise McCoy to deny the appeal based on the statement made by the property owner. All yes. Motion carried.

**105 Summer Street:** Complied.

**255 Wentworth Avenue:** Complied.

**45 S. Woodrow Avenue:** Complied.

**NEW BUSINESS:**

**326 Dunham Drive:** Robert Hoersten, 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.

**95 Central Street:** Beth Lower-Dunning and Ross Dunning, property owners, were 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.

**57 Chestnut Street:** Steven Sullivan, 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.

**16 Eagle Street:** Mark Guy, property owner, was present.

Mark Guy requested a 90-day extension because he will not receive his check until then.

Carlyle Sims stated he would be more comfortable granting a 60-day extension so the Board can get an update on the progress, if any. If you need more time, the Board can take that into consideration at the next meeting you are scheduled for.

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

**297 Capital Avenue SW:** Richard VanGilder, property owner, was present.

Richard VanGilder asked for a 60-day extension.

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

**35 Elm Street:** Inez Smith and Jennifer Smith, property owners, were present.

Inez Smith asked for a 60-day extension.

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

**331 E. Emmett Street:** Terry Williams, property owner, was not present.

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

**43 S. Union Street:** Valerie Roniss, property owner, was not present.

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

**113 E. Van Buren Street:** Wilson Rentals LLC, property owner, was not present.

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

**135 E. Van Buren Street:** Wilson Rentals LLC, property owner, was not present.

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

**260 Spring Street:** Hertis Williams, Jr., property owner was not present.

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

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

**93 Battle Creek Avenue (House & Garage):** Fernando Hernandez, Jose Muniz and Irma Nieves, 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.

**20 Bernardo Place (House & Attached Garage)**: Jeffery Rogers, property owner, was not present.

Pam Lawson, Code Officer, stated Mr. Rogers contacted her to state he would not be at today's meeting because of his job. However, she noted that the following items have been done: plumbing, safety inspection and deteriorated front done and just needs to be painted. She further stated that Mr. Rogers felt that he could have the work done in 30 days.

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

**32 Bernardo Place (House & Attached Garage)**: Wells Fargo 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.

**120 W. Bidwell Street (House & Garage)**: Wells Fargo 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.

**402 E. Burnham Street (Structure)**: John Kenefick, property owner, was not present.

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

**27 Cynthia Street (House & Garage)**: Gary Lee Bilbrey, property owner, was not present.

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

**431 Fairfield Avenue (House & Garage)**: S2B Investments LLC, 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.

**183 Floral Drive (House & Shed)**: Audrey V. Pruitt, property owner, was not present.

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

**108 Fox Avenue (House)**: Joan Dixon Guy, property owner, was not present.

Henry Ryan presented the Board with a written authorization to speak. He stated they are working on correcting the exterior violations but need more time.

Pam Lawson stated Mr. Ryan came to the office on July 22 to report progress with exterior repairs and ask a couple of questions. She clarified for him that the property must have a safety inspection and any violations identified must be corrected before the property can be removed from this process.

Carlyle Sims stated he would recommend a 30-day extension to allow the property owner's time to schedule and get the safety inspection.

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

**82 Frelinghuysen Avenue (House & Garage)**: James Dixon, property owner, was present.

James Dixon stated the safety inspection has been done but he has not received a copy of the report. Therefore, without the report, he does not know what additional items need to be addressed.

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

**167 Grenville Street (House)**: Gary Isham, property owner, was present.

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

**467 Hamblin Avenue (House)**: Ada Marshall, property owner, was not present.

Lonnie Marshall stated recently he has taking over control of his mother's house who is deceased. He stated he will schedule the safety inspection and plans to correct any and all violations.

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

**43 Hancock Court (House):** Richard Culpepper, property owner, was present.

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

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

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

**51 Harris 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.

**9 Harrison Street (House & Garage):** Artemio Calderon, 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.

**25 E. Kingman Avenue (House & Garage):** We Care Consulting LLC, property owner, was 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.

**80 Main Street (Structure):** Ranbir Singh, property owner, was not present.

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

Ranbir Singh entered the meeting after the vote and asked if he could speak on the property.

A motion was made by Carlyle Sims, supported by Denise McCoy to rescind the motion to affirm the order.

Carlyle Sims asked what Mr. Singh's plans are for the structure.

Mr. Singh stated he and his partner want to demolish the structure but are looking financial assistance from the city and/or state.

Pam Lawson, Code Officer, stated at the Dangerous Buildings Hearing she recommended that Mr. Singh meet with Susan Bedsole, Licensing and Compliance Director to see if the city could help in some way.

Mr. Singh stated he and his partner did that but she stated the city doesn't offer that type of assistance.

A motion was made by Carlyle Sims, supported by Denise McCoy, to affirm the order and have the property owner work with the city. All yes. Motion carried.

**141 Main Street (House & Shed):** 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.

**163 W. Manchester Street (House):** Adventist Historic Property Inc. property owner, was present.

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

**233 W. Manchester Street (House):** Adventist Historic Property Inc., property owner, was present.

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

**342 Parkway Drive (House & Garage):** Michael J. Brinneman, property owner, was 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.

**196 W. Rittenhouse Avenue (House & Garage):** Alvin Armstrong, 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.

**9 Riverside Court (House):** Gary Asher, 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.

**119 Seivour Avenue (House)**: Mary Ellen Denton, 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.

**69 South Avenue (House)**: John Kenefick, 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.

**41 Tennyson Avenue (House)**: Crystal Gardner, property owner, was present.

Crystal Gardner stated that she has put \$1,000 worth of work into the home and is asking for a 90-day extension.

Pam Lawson, Code Officer, asked why the safety inspection had not be scheduled and completed by now.

Crystal Gardner stated it's scheduled for this Friday.

Pam Lawson stated this property has been before the Dangerous Buildings Hearing Board and the Housing Board of Appeals twice and at each meeting you were told to schedule the safety inspection.

A motion was made by Denise McCoy, supported by Frank Ballard to affirm the order due to no progress being made regarding scheduling the safety inspection and/or to correct the violations. All yes. Motion carried.

**PUBLIC COMMENTS**: None

**BOARD AND STAFF COMMENTS**: None

**ADJOURNMENT**:

Vice Chairman McCoy adjourned the meeting at 3:15 p.m.

/sfg