

**HOUSING BOARD OF APPEALS MINUTES  
SEPTEMBER 16, 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 1:07 p.m.

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

**MEMBERS ABSENT:** None

**STAFF MEMBERS PRESENT:** Steve Bundle, Code Officer, Eric Campbell, Code Officer, Jeanette Cook, Code Officer, Jason Francisco, Code Officer, 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: 25 Vale Street, 633 Capital Avenue NE, 56 Riverview Avenue, 9 Woodward Avenue, 116 Webber Street and 4478 Beckley Road.

**APPROVAL OF MINUTES:** A motion was made by Denise McCoy, supported by Carlyle Sims to approve the August 19, 2009 Minutes. All yes. Motion carried.

**OLD BUSINESS:**

**60 Mott Street:** Complied.

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

Keith Coller stated all of the work is completed except for the roof. He is seeking assistance thru Community Action (CA) but needs to pay his property taxes and get home owner's insurance before they will commit to assisting him. Therefore, he is asking the Board for additional time.

Steve Bundle, Code Officer, recommended an extension until May 1, 2010 which would give Mr. Collier time to pay the property taxes, get the home owner's insurance and finalize the paperwork needed for CA.

Carlyle Sims stated that if the Board grants an extension until May 1, 2010, he would recommend that no additional extensions be granted after that.

A motion was made by Denise McCoy, supported by Carlyle Sims to grant an extension until May 1, 2010 with no additional extensions to be granted. All yes. Motion carried.

**25 Vale Street:** Complied.

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

Jerry Alexander asked that an extension be granted to the end of October.

A motion was made by Jim Bauer, supported by Denise McCoy to grant an extension until October 31, 2009. All yes. Motion carried.

**633 Capital Avenue NE:** Complied.

**136 Frelinghuysen Avenue:** Howard Miller, 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

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

A motion was made by Jim Bauer, supported by Denise McCoy to grant an extension until October 31, 2009. All yes. Motion carried.

**56 Riverview Avenue:** Complied.

**9 Woodward Avenue:** Complied.

**34 Woodward Avenue:** Jermar Pait, property owner, was not present.

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

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

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

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

Thomas Graham stated the siding project would be completed within the next 60 days and the chimney and foundation work would be taken care after that.

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

**116 Webber Street:** Complied.

**4478 Beckley Road:** Complied.

**376 Webber Street:** Mary Carrier, property owner, was not present.

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

**336 Wentworth Avenue:** Complied.

**246 Winter Street:** Complied.

**71 S. Woodrow Avenue:** Complied.

### **NEW BUSINESS:**

**16 N. Union Street:** Timothy Mix, property owner, was present.

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

**109-115 S. 23<sup>rd</sup> Street:** Mary Lou Ramon, property owner, was present.

Mary Lou Ramon stated she would need time to save the money to be able to paint the structure and is asking for an extension.

Jason Francisco, Code Officer, stated he would feel comfortable having the Board grant an extension until May 31, 2010.

A motion was made by Carlyle Sims, supported by Jim Bauer to grant an extension until May 31, 2010. All yes. Motion carried.

**421 Surby Avenue:** Lloyd Williamson, property owner, was not present.

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

Lloyd Williamson, property owner, entered the meeting after the vote to deny the appeal and asked the Board to allow him to speak.

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

Lloyd Williamson stated he is in the process of correcting the violations but needed an extension.

A motion was made by Carlyle Sims supported by Denise McCoy to grant an extension until October 31, 2008 with the understanding that the roof must be repaired by this date and that no additional extensions would be granted. All yes. Motion carried.

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

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

Wesley Hummel requested an extension for correcting the violations.

Carlyle Sims stated you have been granted two extensions by this Board and questioned if you have had the safety inspection done.

Wesley Hummel replied he contacted Ed Harris, Inspector, this week but he is not available until next week some time. He reminded the Board that he does have other properties to take care of and would need additional time.

Jackie Braman stated that is the price of doing business and owning multiple properties. She also pointed out that when the Board granted the two extensions you were asked to schedule the safety inspection and you haven't done that.

Wesley Hummel replied he did try to schedule the safety inspection but can't help the fact the inspector is not available until next week.

Jackie Braman replied you have been granted two extensions which amounts to 120 days and you could have had it done within that time.

A motion was made by Carlyle Sims, supported by Jim Bauer, to affirm the order due to no significant progress being made on correcting the violations. All yes. Motion carried.

**85 Burr Street (House & Garage)**: Richard Riley, 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)**: Gary Lee Wetherrill, property owner, was present.

Gary Lee Wetherrill asked for a 60-day extension to correct the violations.

Denise McCoy asked if this property has been on the agenda before.

Pam Lawson, Code Officer, stated "yes". However, the property was owned by someone else and that Mr. Wetherrill recently purchased it. The former owner left the house in a mess and she would recommend that the Board grant him the 60 days.

Carlyle Sims asked if the safety inspection has been done.

Gary Wetherrill replied "no" but he does plan on getting it scheduled.

A motion was made by the Carlyle Sims, supported by Denise McCoy to modify the order for 60-days with the understanding that the exterior work be completed along with the safety inspection. All yes. Motion carried.

**30 Hancock Court (House & Garage)**: Juan Barbosa, Jr., 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.

**284 N. Kendall Street (House & Garage)**: Calhoun County Land Bank, 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.

**114 Nelson Street (House & Garage)**: Gold Land Realty LLC, property owner, was present.

Jermar Bolton, Gold Land Realty, stated the violations had been corrected but someone broke in and did a lot of damage. He asked the Board for an extension so that they could correct those issues.

Carlyle Sims stated the Board should affirm the order and have Mr. Bolton work with the Code Officer.

Pam Lawson, Code Officer, concurred with that suggestion.

A motion was made by Carlyle Sims, supported by Jim Bauer to affirm the order and have Gold Land Realty work with and stay in contact with the Code Officer regarding this property. All yes. Motion carried.

**31 Poplar Street (House)**: Dale and Teresa Mitchell and Curtis and Karen Woods, property owners, were 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.

**67 Vineyard Avenue (House & Garage)**: Donita Moye and New Beginnings Damascus Church, property owners, 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.

**253 Upton Avenue (House)**: Novus Holdings LLC, 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.

**35 S. Wabash Avenue (House & Garage)**: Angie Allen, property owner, was present.

Pam Lawson, Code Officer, stated Angie Allen submitted a letter to the Board stating that she knows nothing about this property. There was some kind of real estate transaction during which she signed papers but did not intend to acquire the property and, in fact, thought it had been foreclosed upon during her divorce.

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:**

Chairman Braman adjourned the meeting at 2:20 p.m.

/sfg