

**HOUSING BOARD OF APPEAL MINUTES  
OCTOBER 21, 2009**

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

**CALL TO ORDER:** 1:02 p.m.

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

**MEMBERS ABSENT:** Jackie Braman, Chairman

**STAFF MEMBERS PRESENT:** Steve Bundle, Code Officer, Eric Campbell, Code Officer, Jeanette Cook, Code Officer, 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, stated the following properties have complied and are removed from today's agenda: 276 N. McKinley Avenue, 15 Roe Street, 25 Blair Street and 74 Lathrop Avenue. The property located at 54 Central Street has been sold and the new owner will be issued the Order to Repair. The property located at 20 Bernardo Place under Dangerous Buildings Show Cause Hearing has complied and is removed from the agenda.

**APPROVAL OF MINUTES:** A motion was made by Jim Bauer, supported by Carlyle Sims to approve the September 16, 2009 Minutes. All yes. Motion carried.

**OLD BUSINESS:**

**135 E. Kingman Avenue:** Kenneth Mathis, 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.

**13 Lourim Court:** James Nicholls, property owner, was not present.

Steve Bundle, Code Officer, stated Mr. Nicholls contacted him today and indicated he would not be able to attend today's meeting. Mr. Bundle stated that the property owner has made a lot of progress and though he is not here today would recommend that an extension be granted until May 1, 2010.

A motion was made by Carlyle Sims, supported by Jim Bauer to grant an extension until May 5, 2010. All yes. Motion carried.

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

Lisa Cable requested an extension until next year so that she could save some money to be able to correct the violations.

A motion was made by Carlyle Sims, supported by Jim Bauer to grant an extension until May 5, 2010. All yes. Motion carried.

**820 Capital Avenue NE:** Virginia Lawson, 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.

**16 Eagle Street:** Mark Guy, 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.

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

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

Christine Davis stated the paperwork from CA has not been finalized and she would need additional time.

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

**276 N. McKinley Avenue:** Complied.

**31 Orchard Place:** Charmaine Bynum, property owner, was present.

Charmaine Bynum stated she and her husband are requesting additional time because it's a two-story home and need to get quotes from someone to do the upper part of the home.

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

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

Larry Brew asked for an extension until next year to save some money and finish the repairs.

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

**297 Capital Avenue SW:** Richard VanGilder, 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.

**189 N. Kendall Street:** Cleveland Jones, Jr., property owner, was present.

A motion was made by Carlyle Sims, supported by Jim Bauer to grant an extension until May 5, 2010. All yes. Motion carried.

**126 Orleans Avenue:** Donna Erb, property owner, was present.

Donna Erb stated she and her husband had a contract with Michael Kline, KRI Contracting to do the painting but he broke the contract and took the \$300 down payment. She stated they need additional time to get more quotes and get the contractor in place.

A motion was made by Carlyle Sims, supported by Jim Bauer to grant an extension until May 5, 2010. All yes. Motion carried.

**15 Roe Street:** Complied.

**25 Blair Street:** Complied.

**244 W. Burnham Street:** Stephen Brininstool, 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.

**403 W. Gogzac Street:** Louise Long, 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.

#### **NEW BUSINESS:**

**54 Central Street:** Removed from agenda.

Eric Campbell, Code Officer, stated this property has been sold and the Order to Repair will be issued to new owner.

A motion was made by Carlyle Sims, supported by Jim Bauer to remove this property from the agenda per the comments made by the code officer. All yes. Motion carried.

**74 Lathrop Avenue:** Complied.

**117 Green Street:** Yolanda Holiday, property owner, was present.

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

**208 Hunter Street:** James Howard, property owner, was present.

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

**101 Orchard Place**: Corey Lagro, property owner, was present.

A motion was made by Carlyle Sims, supported by Jim Bauer to grant an extension until May 1, 2010. All yes. Motion carried.

**432 S. Washington Avenue**: James Buchino, Jr., 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.

### **DANGEROUS BUILDINGS SHOW CAUSE HEARINGS:**

**20 Bernardo Place**: Complied.

**328 Capital Avenue NE (House)**: Southern Michigan Bank & Trust, 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.

**18 Carl Avenue (House & Shed)**: LaSalle Bank NA, 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.

**176 Central Street (House)**: Promise Land Solutions, Inc., 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.

**11 W. Fountain Street (House)**: Select Investments, 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.

**108 Fox Avenue (House)**: Removed from agenda and to be rescheduled.

**82 Frelinghuysen Avenue (House & Garage)**: James Dixon, 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.

**27 W. Grand Circle Avenue (House & Garage)**: Danielle Dornton, property owner, was present.

Danielle Dornton stated she has a partial compliance and the safety inspection has been done. Her plan is to sale the house but, if not, she would need more time to correct the violations

Carlyle Sims asked the code officer if she would feel comfortable affirming the order and having Ms. Dornton work with her.

Pam Lawson, Code Officer replied “yes” but encouraged Ms. Dornton to stay in contact with her.

A motion was made by Jim Bauer, supported by Carlyle Sims to affirm the order and to have the property owner work with and stay in contact with the code officer while finishing the repairs. All yes. Motion carried.

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

Gary Isham stated the safety inspection has been done, he has pulled a building permit and has received partial compliance. He asked for additional time to finish correcting the violations.

Carlyle Sims asked the code officer if she would feel comfortable affirming the order and having Mr. Isham work with her.

Pam Lawson, Code Officer replied “yes” but encouraged Mr. Isham to stay in contact with her.

A motion was made by Jim Bauer, supported by Carlyle Sims to affirm the order and to have the property owner work with and stay in contact with the code officer while finishing the repairs. All yes. Motion carried.

**254 Grove Street (House)**: Armando Valencia, property owner, was present.

Matt Leach spoke on behalf of the property owner and stated permits have been pulled and the work completed. The permits need to finaled by the Inspection Division.

Dennis McKinley, Code Compliance Administrator stated the order could be affirmed and it would just be a matter of having the permits finalized and the certificate of occupancy issued.

A motion was made by Jim Bauer, supported by Carlyle Sims to affirm the order per the Code Compliance Administrator's recommendation. All yes. Motion carried.

**467 Hamblin Avenue (House):** Lonnie Marshall, Jr., property owner, was present.

Lonnie Marshall stated the exterior repairs have been corrected and the safety inspection done. He stated he would be hiring a contractor to correct the interior violations.

Carlyle Sims asked the code officer if she would feel comfortable affirming the order and having Mr. Marshall work with her on the interior.

Pam Lawson, Code Officer replied "yes" but encouraged Mr. Marshall to stay in contact with her.

A motion was made by Jim Bauer, supported by Carlyle Sims to affirm the order and to have the property owner work with and stay in contact with the code officer while finishing the repairs. All yes. Motion carried.

**43 Hancock Court:** Permits have been pulled and safety inspection done; property removed from today's agenda, per Code Compliance Administrator.

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

Henry Moye stated he is trying to get a loan to be able to correct the violations but thus far has been unsuccessful. He asked the Board for additional time.

Carlyle Sims stated the Board has granted four modifications to the order and no progress has been made. He stated his recommendation would be to affirm the order and have Mr. Moye work with the code officer.

A motion was made by Jim Bauer, supported by Carlyle Sims to affirm the order and have the property owner work with and stay in contact with the code officer. All yes. Motion carried.

**276 N. Kendall Street (House & Garage):** Stonecrest Income & Opportunity Fund I LLC, 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.

**163 W. Manchester Street (House):** Adventist Historic Property Inc., 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.

**233 W. Manchester Street (House):** Adventist Historic Property Inc., 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.

**286 W. Manchester Street (House & Garage):** Rapheal Wilson, 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.

**527 W. Michigan Avenue (House):** John Moore, 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.

**126 Miller Avenue (House & Garage):** Curtis & Ann Butterfield, 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.

**64 Oaklawn Avenue (House):** John LaGrand, 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.

**96 W. Rittenhouse Avenue (House):** Permits have been pulled and safety inspection done; property removed from today's agenda, per Code Compliance Administrator John Moore, property owner, was not present.

**201 W. Roosevelt Avenue (House)**: Russell & Wendy Gleason, 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.

**56 Seivour Avenue (House)**: Indymac Bank FSB, 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.

**27 N. Wabash Avenue (House & Garage)**: Richard Nash, property owner, was present.

Richard Nash stated he wants to sell the property but would lose money if he tried to do that right now. He stated nothing is wrong with the house and doesn't plan to make any repairs.

Pam Lawson, Code Officer, stated no permits have been pulled, the safety inspection has not been completed and no progress has been made in correcting the violations.

A motion was made by Jim Bauer, supported by Carlyle Sims to affirm the order per the comments made by the property owner and the code officer. All yes. Motion carried.

**PUBLIC COMMENTS**: None

**BOARD AND STAFF COMMENTS**: None

**ADJOURNMENT**:

Denise McCoy, Vice Chairman adjourned the meeting at 2:40 p.m.

/sfg