

KALAMAZOO CHARTER TOWNSHIP

UNSAFE BUILDING HEARING

MINUTES OF HEARING HELD JANUARY 13, 2016

Re: CASE NOS. 2013-1; 2014-2; AND 2015-7

An Unsafe Building Hearing was held on Wednesday, January 13, 2016, commencing at 3:00 p.m. at the Kalamazoo Charter Township Hall within the Township.

Present were Bruce Fletcher, Hearing Officer; Jim Yonker, Assessor; Mike Alwine, Building Inspector; Todd Kowalski, Fire Marshal; Ron Reid, Township Supervisor; David Obreiter, Fire Chief; Roxanne Seeber, Township Attorney; and 2 interested persons.

The Hearing Officer called the meeting to order at 3:00 p.m. The minutes of the November 18, 2015 were corrected to amend the time on the Sanchez hearing to 3:00. The corrected minutes were then approved and signed by the Hearing Officer. The next hearing date is scheduled for Wednesday, March 9, 2015 at 3:00 p.m. at the Township Hall.

1. CASE NO. 2015-2; 240 W. DUNKLEY

Buildings: Single family dwelling

Owner(s) According to the Township's Tax Rolls:

Susan and Christy Dethick/Alice Sanchez
240 W. Dunkley
Kalamazoo, MI 49007

Ms. Sanchez indicated that the proposed sale of the house to Alex Jones, a relative of hers, had fallen through. She had contacted her bank and was about to obtain a \$15,000 home equity loan on the property. Additionally her uncle had moved back to town. He was going to be available to help her save the house. Sanchez stated that Alex Jones was going to clean up the mess in the yard; however, when the deal fell through the week before, he had declined to do so. She understood that the stuff was now her problem to deal with. In response to an inquiry from the Hearing Officer, Sanchez stated that she did wish to save the house if she could. She thought that she would at least have enough money to get the outside pretty well taken care of and to be able to start on the inside prior to the next meeting. Fletcher inquired as to a time frame. Sanchez indicated that she could get the permits pulled and the work started, but not finished by March 1. Alwine stated that there is a significant amount of damage from the fires.

Additionally, electrical, mechanical, plumbing and building permits were needed. He estimated the costs for the pulling of the permits at \$1000. He suggested that

Sanchez get a couple of contractors out to the house to provide her with a written estimate and to outline the necessary repairs. Alwine did not believe that \$15,000 was enough to make the necessary exterior improvements. Sanchez indicated that the insurance company's estimate was \$55,000. Alwine thought that number was more in the ballpark; however, he stated, the house had now been exposed to the elements and sitting vacant for quite some time. The number could go much higher. Yonker provided current photographs and a current tax statement.

Fletcher inquired as to whether the numbers gave Sanchez pause. She was not sure how to get started, but she definitely wanted to make the effort. Fletcher inquired as to whether she can get the estimates and permits pulled by March 1, 2016. Sanchez responded affirmatively. Fletcher was concerned that the house was in poor condition and had been vacant for some time. He entered an order requiring her to obtain estimates and get a rehabilitation plan and timeline together by March 1, 2016. The building permits for repairs should also be pulled by then. The Hearing Office further stated an intention to consider ordering the structure razed (demolished) if Sanchez was unable to accomplish anything over the next two months. He stated that his written order would be supplied to Sanchez via U.S. mail.

2. CASE NO. 2015-7 ; 625 GAYLE

Buildings: House

Owner according to the Township's Tax Rolls:

Jeffrey Stuart
3714 Hoover
Kalamazoo, MI 49008

Yonker provided current photographs. There was a few days' accumulation of snow on the ground and no apparent vehicle tracks or footprints showing in the snow. Yonker stated that the house appeared vacant every time he went past. Alwine stated that he had received no communications from the property owner. None of the conditions had changed. No permits had been pulled. The house had now stood vacant in the same condition for two additional months. The Hearing Officer found that the building constituted a dangerous and substandard structure. He ordered that the house be razed (demolished) by the property owner and all debris removed. The lot was to be returned to normal grade as well. Fletcher will sign an order requiring the razing to be accomplished by no later than February 15, 2016. The order will be mailed to the property owner via certified mail, in accordance with the Dangerous Buildings Ordinance and the Housing Code of Michigan.

3. CASE NO. 2013-1; 1805 GULL ROAD

Buildings: Former Gas Station

Owner(s) According to the Township's Tax Rolls: PA Gull Road LLC
(Imad Farran)

Kowalski indicated that he had received no information or correspondence from Joseph McCully or David Schaefer. No one was present for the hearing. Alwine testified that the building remained in the same condition as the prior hearing. It is

vacant and boarded up. There is structural damage and rotted rafters on the back side of the building. The exterior is not weather-tight and is in poor condition. Sealed plans for a commercial use are required under the building code, he said. Generally a building that has sat this long without occupancy requires mechanical, electrical and other repairs.

Fletcher expressed frustration that nothing had been accomplished. He was particularly concerned that no one had appeared for the hearing. It appeared as though waiting for the state was more of an excuse not to do anything. The soil/sampling issues really had nothing to do with the structure, which just continued to sit. It was up to the property owner to indicate a proposed use of the structure and move it back to viable status or to eliminate it. Kowalski noted that there had been a number of prior notifications to the property owner that he needed to make a repair/rehabilitation/improvement plan and one had never been received.

Fletcher ordered that the building be razed (demolished), the debris created thereby removed from the property and the property returned to normal grade by no later than February 15, 2016.

David Schaefer representing the owner appeared at 3:35. The Hearing Officer indicated that he had just ordered the building razed. Schaefer said he was confused about the time and that he had been wandering around killing time for a half an hour. He thought that his notice said 3:30. The Hearing Officer inquired about communication with Kowalski. Schaefer stated that nothing had changed, so he didn't feel that there was any reason to communicate. He said that the new owner was going to obtain an environmental assessment. Upon further inquiry, it was determined that there was not a new owner. Schaefer was outraged that the building was ordered demolished. He had been working on getting the property cleared by LARA for a long time. This was the first that he had heard about the building being demolished. Seeber indicated that the hearings were for "dangerous buildings". The building had been vacant for some time and structural issues were present. Schaefer wondered why no one ever gave him a punch list of upgrades that needed to be done. Vacancy alone was not enough to order a demolition, he reasoned. The issues identified at the prior hearing had been poo-poo'ed as no big deal. Why did it all of a sudden become so significant, he inquired.

Seeber explained that it is up to the owner to obtain the inspections and repairs checklist. This would involve a design professional because it is a commercial structure. The property owner would make a determination as to what he wanted to do with the property and the building. He would then apply for zoning approval. Depending on the request, a public hearing before the planning commission or site plan review may be required. It could not just be left standing vacant for several years. Schaefer indicated that this was the first he heard anything about the building. It was obvious that they had been hired to work on the environmental contamination, he said. He stated that he had never received a written order about the building. He threatened to take the township to court. He asked the Hearing Officer to explain his reasoning in entering a raze order. Seeber explained about the possible issuance of a citation and how that

would proceed through the court system. Additionally, she explained the dangerous building procedure and the taking of the order to the Township Board. Schaefer thought that the entire process was flawed and that there was no reason to order the demolition of the building. He abruptly left the meeting.

There being no further business, Hearing Officer Fletcher concluded the hearing at 4:00 p.m.

CHARTER TOWNSHIP OF KALAMAZOO

Bruce Fletcher, Hearing Officer