

**MINUTES
BUILDING BOARD OF APPEALS
September 17, 2020 @ 4:00pm
City Commission Chambers**

CALL TO ORDER

Chair Emig called the meeting to order at 4:04 p.m.

ROLL CALL OF BOARD MEMBERS

Members Present: Richard Emig, Chair, Lyndia Bruckbauer, Andy Van Lente, Ben Bierlein

Members Absent: Chuck Kiplinger

City Staff: Roger Iveson, Building Official; Karleen Steppenwolf, Recording Secretary; Marcia Jones, City Attorney; Scott Brooks, Fire Marshall

NEW BUSINESS

APPROVAL OF PREVIOUS MINUTES

Mr. Van Lente, seconded by Ms. Bruckbauer moved to approve the minutes of August 20, 2020 as submitted, approved by voice call vote.

APPROVAL OF AGENDA

Mr. Van Lente seconded by Ms. Bruckbauer moved to approve the agenda as submitted.

Motion approved by roll call unanimously.

RE-HEARINGS

INITIAL HEARINGS

The following properties are presented to the board for a public hearing:

1108 Charlotte

This property is located in a RS-5 District in the Eastside Neighborhood. The 52.8' x 101' (0.122 acre) property contains a 672 sq. ft. 1 story residential building. Nearby uses are residential dwellings and commercial. There are no historic considerations for this property.

Mr. Iveson read the information summary into record. Mr. Iveson stated that this property has sustained fire damage and has been boarded and secured for some time.

There was no one present to represent this property.

Structural and exterior repairs for the building are estimated to cost approximately - \$31,000. Estimated costs for demolition are approximately \$6,720. The 2020 SEV is \$18,000. According to Assessor's records, the Estimated True Cash value of the land alone is approximately \$5,628 and that of the entire property is \$39,675.

There were no comments from the public.
Mr. Emig closed the public hearing.

FINDING OF FACT

Mr. Bierlein moved the Finding of Fact as follows:

1.The Finding of Fact for 1108 Charlotte shall include all information included in the notice of determination dated September 2, 2020 and the summary information.

Mr. Van Lente seconded the Finding of Fact.

Motion approved for the Finding of Fact by voice vote unanimously.

Mr. Van Lente moved to approve the application, to accept the Staff Recommendations as stated, seconded by Mr. Bierlein.

Motion approved by roll vote unanimously.

1418 Krom

This property is located in a RS-5 District in the Northside neighborhood. The 66' x 132' (0.200 acre) property contains a 1,268 sq. ft. 2 story residential building built in 1895. Nearby uses are residential dwellings and commercial. There are no historic considerations for this property.

No one was present to represent this property.

Mr. Iveson read the information summary into record. Mr. Iveson stated this property is a total loss due to fire damage.

Structural and exterior repairs for the building are estimated to cost approximately: not recommended for repair. Estimated costs for demolition are approximately \$12,268. The 2020 SEV is \$22,200. According to Assessor records, the Estimated True Cash value of the land alone is approximately \$7,193 and that of the entire property \$49,397.

There were no comments from the public.
Chair Emig closed the public hearing.

FINDING OF FACT

Mr. Van Lente moved the Finding of Fact as follows:

1. The Finding of Fact for 1418 Krom shall include all information included in the notice of determination dated September 2, 2020 and the summary information.

Mr. Bierlein seconded the Finding of Fact.

Motion approved for the Finding of Fact by voice vote unanimously.

Ms. Bruckbauer moved to approve the application, to accept the Staff Recommendations as stated, seconded by Mr. Van Lente.

Motion approved by roll vote unanimously.

1922 Krom

This property is located in a RS-5 District in the Northside neighborhood. The 66' x 132' (0.200 acre) property contains a 948 sq. ft. 2 story residential building built in 1894. Nearby uses are residential dwellings and commercial. There are no historic considerations for this property.

Ms. Zahra Lipman, owner and currently living at 4803 Norfolk Circle, Portage, MI was present to represent this property.

Mr. Carl Degen, neighbor at 4805 Norfolk Circle, Portage, MI was present to support Ms. Lipman.

Mr. Iveson read the information summary into record. Mr. Iveson stated the property is fire damaged and boarded due to the fire. Mr. Iveson stated that he has had no contract with Ms. Lipman prior to the Building Board of Appeals meeting.

Ms. Lipman stated she has tried to get rid of trespassers and was in Texas when the house caught on fire. Ms. Lipman stated she has had several personal and family issues going on. Ms. Lipman stated she would like to move back into the property. Ms. Lipman stated that she keeps getting fines due to the trash being dumped on her property that is not her trash. Ms. Lipman stated the taxes are paid except for the current 2020 summer tax bill.

Ms. Lipman stated she is either going to demo house and sell the land or fix the house up and live there. Ms. Lipman stated that she was quoted \$3,000 to \$3,500 to demolish property and she is trying to come up with all the cash needed. Ms. Lipman stated that she has no insurance because they cancelled her out due to situation.

Mr. Iveson cautioned Ms. Lipman not to pay anyone up front for demolition until there is a permit in place.

Mr. Emig stated that the house being open to casual entry is an issue and suggested she put up a fence and call Public Safety when there are trespassers. Mr. Emig also recommended that Ms. Lipman get the permits needed and to work with the city moving forward.

Mr. Degen stated he feels for Ms. Lipman. Mr. Degen stated she's had several personal and financial issues and has tried to evict the occupants but due to Covid-19 the Courts would not let her at that time.

Structural and exterior repairs for the building are estimated to cost approximately \$63,000. Estimated costs for the demolition are approximately \$13,280. The 2020 SEV is \$13,700. According to Assessors records, the Estimated True Cash value of the land alone is approximately \$7,193 and that of the entire property \$30,155.

There are no comments from the public.
Chair Emig closed the public hearing.

FINDING OF FACT

Mr. Bierlein moved the Finding of Fact as follows:

1. The Finding of Fact for 1922 Krom shall include all information included in the notice of determination dated September 2, 2020 and the summary information.

Ms. Bruckbauer seconded the Finding of Fact.

Motion approved for the Finding of Fact by voice vote unanimously.

Mr. Van Lente moved to approve the application, to accept the Staff Recommendations as stated with the stipulation the owner work with the City to provide a plan and timeline within 60 days or the City will follow through with demolition and invoice the owner for the cost of the demolition and seconded by Mr. Bierlein.

Motion approved by roll vote unanimously.

250 N Kalamazoo Mall

Mr. Steve Stahr and his wife Karen Stahr were present to represent this property.

Mr. Iveson read into record the appeal for 250/230 N Kalamazoo Mall. Mr. Stahr believes the fire wall that separates two structures are in violation and constitutes a danger. Mr. Stahr is appealing that decision and that it was approved in error.

Mr. Iveson stating that the decision was made by a previous Building Official around 2006/2007.

Mr. Iveson stated that Mr. Stahr owns the property at 250 N Kalamazoo mall, and this pertains to a common wall with 230 N Kalamazoo Mall.

Mr. Iveson described the building as a step building. Mr. Stahr's building in a 1 story structure and 230 steps up to a 3 or 4 story building. The buildings have a common wall for the first story.

Mr. Emig stated that the issue is really with 230 N Kalamazoo Mall and the owners for 230 N Kalamazoo Mall are not present. Mr. Emig stated that 230 is not asking for the board to make any findings. Mr. Iveson stated that 230 is condominiums and there are multiple owners inside that building.

Mr. Bierlein asked about when this was finalized and approved. Mr. Iveson stated it was an existing building that they made alterations to back in the mid 2000's timeframe and that was done then. Mr. Iveson stated he feels that Mr. Stahr believes that was approved in error.

Mr. Emig asked Mr. Stahr that he was here not to talk about his building but that of 230 N Kalamazoo Mall.

Mr. Stahr stated he was here to discuss everything that was provided in the notebook that was provided to Roger Iveson and the City Attorney to review. Mr. Stahr stated that this is not a step building, step buildings must be on two separate parcels. The wall in question is a party wall defined by the State of Michigan. Mr. Stahr asked if they had reviewed the packet he submitted and if not, he has copies for them to review. Mr. Stahr is concerned for his safety and that of the condominium owners. Mr. Stahr stated that 230 does not meet code, it's a party wall and his rafters go into that wall at least 17 inches.

Mr. Emig read the city code pertaining to this issue and asked if Mr. Stahr had received the notice of determination of the code and he stated that he had. Mr. Stahr stated that the city determined there are no issues.

Mr. Emig stated that the owners of 230 N Kalamazoo Mall would need to bring this before the board and Mr. Stahr is not the owner of 230. Mr. Stahr stated that the board did not invite the owners of 230 to attend this meeting. Mr. Emig stated that we need the owners of 230 N Kalamazoo mall present in order to make a decision.

Mr. Stahr asked when do you want to get the owners of 230 in here? The owners of 230 have been complaining to the City for years. I have a document I this thing from 2015 complaining about stuff that didn't meet code.

Mr. Emig feels this isn't the proper venue to hear this. Mr. Stahr stated that it is the proper venue and Mr. Emig stated he realized that was Mr. Stahr's opinion. Mr. Emig appreciated Mr. Stahr's comments.

Mr. Bierlein stated he is confused about this. It's two different parcels with a common/fire wall that does not meet code?

Mr. Brooks, Fire Marshall, stated he was in the building with Mr. Iveson. Mr. Brooks stated he cannot state specifically the extent of the fire wall. Mr. Brooks stated he was there to look at the roof portion to the adjacent three story next to it and were the windows were.

Mr. Emig discussed the back story with the board members. Mr. Emig stated that the Building Official, at the time, is not here and has since retired. Mr. Emig stated that the board doesn't have all the information, we have City Attorney's. Mr. Emig thought it best for Mr. Stahr to work it out with the neighbors.

Mr. Stahr stated that the neighbors have sued him regarding this issue.

Mr. Bierlein asked if the board could tell him what the proper venue is to take this before. Mr. Bielein didn't want to leave Mr. Stahr hanging, but the City Attorney has stated that this is not the proper venue to hear this case.

Ms. Jones cautioned the board about given legal advice to applicants. Ms. Jones stated that there is no Finding of the Fact, due to no hearing because the application is not valid.

Mr. Van Lente seconded by Ms. Bruckbauer moved to deny the application due to the fact that the application is not valid and should not be heard at the Building Board of Appeals meeting.

Motion approved by roll vote unanimously.

ANNOUNCEMENTSADJOURNMENT

Mr. Emig moved to adjourn the meeting and was seconded by Ms. Bruckbauer.

With a unanimous vote the meeting was adjourned at 5:00pm.

Submitted by: Karleen Steppenwolf Date 2/19/21
BBA Recording Secretary
Karleen Steppenwolf

Reviewed by: Roger Iveson Date _____
Building Official
Roger Iveson

Digitally signed by Roger Iveson
DN: C=US, E=ivesonr@kalamazoo.org,
O=City Of Kalamazoo, CN=Roger Iveson
Date: 2021.03.03 13:00:56-05'00'

Approved by: Richard Emig Date 2/19/21
BBA Chair
Richard Emig