

Construction Board of Appeals

Regular Meeting Minutes

Wednesday, October 26, 2016
3:00 PM, Conference Room A
City Hall, 539 Phoenix Street



1. Call to Order – Chair Morse

2. Roll Call

Present: Mark Dibble, Larry Heinig, Bob Stickland, Ed Morse
Absent: None

Also present: Linda Anderson, Planning and Zoning Administrator; Kate Hosier, Assistant City Manager; Ross Rogien, Building Official

3. Approval of Agenda

Motion by Heinig, second by Stickland to approve the October 26, 2016 Regular Meeting Agenda as presented.

All in favor. Motion carried.

4. Approval of Minutes – September 14, 2016

Motion by Stickland, second by Heinig to approve the September 14, 2016 Regular Meeting Minutes as written.

All in favor. Motion carried.

5. Public Comment

None at this time.

6. NEW BUSINESS

707 Phillips Street – Demolition Order

Callie Lousma, property owner of record and Louis Mosley, previous co-owner were present.

Anderson reviewed the background of this demolition order, noting that this case went to the hearing officer, Butch Kelly, in March and at that time Kelly gave the order for the owners to complete the work of bringing the structure up to code or demolish the structure by September 30, 2016. Anderson pointed out that It has now been seven (7) months since that order came down from the hearing officer.

Anderson stated that according to the building official, there was some work done at first, mostly removing vines from the exterior of the structure, and removing trash and debris that was inside the structure, but none since. The Building Department received a letter this week from Michigan Township Services, who does the City of South Haven's electrical permits and inspections, regarding work on electrical being done without permits. Anderson also confirmed with the county treasurer this week that the owners are over \$6,000 in arrears on their property taxes at this point. Lousma said she has the money to pay that.

Anderson noted that the CBA has convened to hear a final appeal, and may then order demolition, in which case the packet of information will be sent to the city attorney and bid out, as soon as two weeks from now, or to give the appellants more time to complete the renovation. Anderson suggested that if giving the owners more time, the motion should include weekly deadlines. If the board decides to go that route, the motion can also include the condition that if the owners miss a deadline at any time along the way, the board can also go ahead with a demolition order which could be carried out in twenty-one days.

Dibble requested that the owners give the board their story. Mosely said that his story is that he inherited this property from his father, at which point Anderson interjected that the board isn't interested in those details but wants to hear what improvements have been done and what the plan is for bringing the property up to Michigan code.

Louis Mosley stated the structure is fine, the roof is fine, that money was an issue and he just started receiving his early retirement money and that his doctor has been trying to get him on disability for two years. Mosley stated that Callie Lousma has a construction loan.

Lousma stated that this summer she worked a lot of overtime so did not have time to work on the house much; now her work is cutting back a little so she can work on her weekends off. Lousma stated, "We were waiting for the wood to dry during our rainy summer. We have paid for paint, stripper and cleaner for the attached garage." Lousma showed pictures of what she started to do, before and after. During discussion, it was noted that if money was an issue, removing debris could have been done. Lousma stated they had a dumpster placed and it was removed without their knowledge. Lousma also said they had taken a couple of trailer loads of debris away from the property.

Mosley stated that the eaves were fixed; some work was done on the windows; vines were taken down and a permit was taken out for the electric to get turned on. There is an approval tag on the meter box. Mosley stated that the electrical permit/approval was supposed to be copied to Ross (Rogien, the building official).

Lousma stated she is going to pay to get the electric turned on today, that she was going to do that before the meeting. Says she has the \$6,000 for the back taxes.

Heinig asked the building official if a building permit was taken out; to which Rogien responded that a permit was taken out for the initial work, but the applicants will need a new one for further work.

Dibble asked for clarification of what was initially required by hearing officer. Anderson read from the minutes of the February 24, 2016 meeting with the hearing officer. "If you pull a permit in thirty days with your intent including electrical and whatever other trades, you will have six months to have it completed. If you show good faith and continue to work on it the city will work with you. You need to come in to get the permit and bring a plan of what you are planning to do. You need to get the underbrush cut down and around the building and on the building." The following items were itemized as priorities to get done: "the windows, siding and roof and the underbrush."

Mosley claimed the electric is nearly done. Lousma showed the before and after pictures of work they have done on the exterior, noting, "Some painting; some stripping; some cleaning and we took the ivy off the exterior."

Discussion ensued regarding the color of the house in the photographs Lousma had compared to those taken by John Brush, the contractor who did a cost estimate of repairs needed. Stickland wondered if there had been some photoshopping, Mosley explained, "The back didn't weather like the front did." Upon hearing that Brush's estimate for repair was probably based on hiring contractors to do the work, Mosley stated that he wasn't hiring contractors; he plans on doing the work himself.

Anderson noted that all the permits were supposed to be pulled in the first month and the only permit taken out was the initial building permit and very recently, the electrical permit. Anderson said the city does not want to wait months, another six months, you can do the renovation but the city does not want to see that happen.

Lousma said it's a good structure.

Stickland said, "You took down ivy. What else did you do?" Mosley stated that he boxed in the eaves and painted some, Stickland asked, "Where the structural problems were, you didn't do anything?" Mosley said that was all approved years ago when my father had it. In response to a question about a picture provided by John Brush of what appear to be 2x4s holding up the ceiling in front of a large window, Mosley explained that the 2x4s holding up the ceiling was just for safety purposes when he cuts holes and puts in new windows.

Morse questioned the floor joists mentioned in Brush's report. Mosley claimed it was all approved when his dad had it and he plans to fix that. Anderson explained this is a major renovation and what was approved back then might not fly now.

Heinig asked whether anything has been done with plumbing or heating. Mosely said he plans to replace all the plumbing and he has a furnace and central air. Lousma said having two incomes is huge and noted, "That was as of September 21."

Anderson said you said at the last meeting that you had the funds to do it and yet nothing happened. Dibble asked whether anything has been done with the exterior. Anderson asked if any inspections have been done; to which Rogien, the building official, said no inspections have been called for.

Dibble noted the difference in size of replacement windows and asked about headers for the windows which Mosely said he will do. Lousma stated that she has to pull the electrical permit, adding, "But you say we have to go to Allegan."

Dibble asked, "No electrical is energized?" Discussion ensued regarding a sizable electric bill that is in arrears and has to be paid before the city will turn on electric; that Michigan Township Services has to contact the city to let them know that the box has been approved.

Dibble said, "We asked for a written plan. We're looking for something that shows us what you plan to do."

Discussion ensued regarding the timing of painting, with Lousma stating it rained every time they tried to paint. Mosely reiterated that he got all the eaves boxed in.

Anderson pointed out that John Brush estimated the cost of repair at \$79,000 and said that it was too costly to repair. Anderson read the summary he sent in, noting that Brush said he would like to see the structure torn down due to the many issues he cited. "In my opinion this house would be too costly to repair. The roof appears to be in reasonable shape however the structure looks like it has been compromised by cutting away ceiling joist in the main living area and being supported off a floor system that can barely support itself. The basement walls appear to be leaking and the floor joist system is underbuilt and support beams are also very weak. I could not enter the house but was able to take pictures through several windows that were either gone or too small for the opening; these would all need to be replaced. There are no landings or safe steps at either door. The siding is rotted along the bottom in several places and some of it needs to be replaced. There is inadequate insulation as it appears to have been partially gutted. The wiring, plumbing and heating would need to be replaced . . . there is no current heat in the house as there is no gas meter hooked up. Although the exterior structure appears sound, I believe there are many structural issues inside that would be costly and would have to be rebuilt and for this reason I recommend it be torn down."

Mosely said he would like to take Brush through the house. Lousma said there is nothing wrong with the walls, the floors, no leaking. Lousma said there are old ceilings that need to be torn down. Discussion ensued regarding when the roof was replaced with Dibble guessing the roof to be around 15 years old. Stickland pointed out that Brush's report indicated that Brush saw 20 percent of the structure needed reroofed. Stickland said, "Brush was there on October 1st and he didn't like what he saw; he noted structural problems and problems with the floor joists."

Discussion stalled momentarily and Rogien suggested the CBA could go visit the site if they chose to.

Stickland said, "This has been on the rolls for six to seven years; you were given some things to do that are relatively minor compared to all the things that need to be done. We want you to have the house but we don't see much progress. We have an obligation to your neighborhood."

Lousma said there are two in our neighborhood that are worse and people are living in them. Anderson noted there are two that are currently scheduled for demolition in the city. Mosely said he has the materials and the time. Lousma commented she is excited to finish it. Stickland said he wishes they (Mosley and Lousma) had done it a month ago.

Morse said, "We have an estimate from Brush saying it's going to cost a lot of money, more than it's worth, to fix the structure. These folks see some value in it that John doesn't see. Do you guys want to go look at it with them, not taking someone else's word for it, and make a decision from there. I'm inclined to trust John, his report, but that's a lot of money."

Dibble noted that Brush's value is probably based on hiring contractors. Anderson said if you give them more time you have to put some hard dates in there. And if they miss one of the dates, we go to demolition.

Dibble asked, "Where is his written plan? We asked for that and I don't see one. There is not much that has been done. We, the board, have an obligation; we have a zoned community for a reason." Dibble's stated his concern is how much time the applicants have, personally, to get this done. Mosely stated that as of September 21st he is retired; he has time.

Dibble said there have been many civil infractions for ten years; to which Lousma responded, "We didn't make much of an effort back then, but now we want to." Dibble asked how the appellants thought the neighbors felt during the time when not much effort was being made.

Lousma said, "We're getting a lot of compliments from the neighborhood and people are acting friendlier." Dibble pointed out that the neighbor had his house torn down to which Mosley remarked, "I know him."

Anderson made a suggestion. "Have the applicants go down this list and say when they are going to have this done and this done and this done. All of this has to be done and that's what they need to show. We need to see a plan, next week, a detailed plan. This can be sent out to all the members and you can determine if you want to meet again or what you want to do. When you make a motion to have this demolished in 21 days or you can tell them they have to have itemized dates and times with the understanding that if they forfeit in one week, they're done. We demolish."

Anderson added, "If you make a motion, if they default on any of the agreed plan, the city will bid the project out for demolition." Mosely said, "It's not money, it's time. I have time."

By consensus the board agreed to meet the owners at the property in ten minutes, then come back and continue the meeting.

Morse said he wants to have a firm understanding of what it's like; doesn't want to see them pour money into it and then have it demolished.

The following persons met the appellants at the site, 707 Phillips Street: Board members: Dibble, Heinig, Stickland, Morse; Kate Hosier, Marsha Ransom. Several had lights and toured the premises, the main floor and the basement as well as all around the outside of the structure. Among other things, it was noted that there is a lot of debris to still be removed; a few kitchen cabinets awaiting installation; no outlet under the newly tagged electrical box; floor joists 2 feet on center; what Mosley stated are temporary supports by the large window in the main living area; holes in ceiling through to the roof in places; no insulation; bags of insulation awaiting installation; rotten siding which needs replaced. Mosley commented several times that problem areas pointed out by the board were approved when his father had it. Dibble asked if the electrical inspection last week was just for the box, to which Mosley said, "Yes, for the box." Mosley added that the only other thing he did was add a new ground wire. Mosley stated he lived in the house since the current electrical wiring was installed.

After touring the entire structure, all parties met again at City Hall at 4:07 p.m.

Dibble said, "We need to have them pull the sheet up," referring to John Brush's checklist, "and let them say what the time frame will be and we'll say yes or no. That needs a lot of help inside." After some discussion, Dibble said Kelly, the hearing officer, noted he was interested in the outside appearance. "You say it was a rainy summer so you couldn't do it, now your back is against the wall."

Morse asked, "What you're saying is you want them to figure out how much time it will take to get it done." Dibble agreed saying, "I have an idea how long it will take. It's a big job to bring that up to code and get it repaired. I want to see if they know how much time it will take. Just because it was approved before, this is more than a 50 percent remodel, so you have to bring it up to (current) code."

Anderson said it is up to the board what they want to do. During discussion of Dibble's suggestion, Stickland said, "They give us a time and we accept or we don't accept." Dibble reiterated, "We expected you to have a plan. When there is no plan, it doesn't get done."

Mosley stated that once they get the electric turned on, then they can start working on the repairs. Anderson pointed out that it should not be contingent on them getting the electric turned back on; when they pay and when the electric gets turned on may cause a delay and that is not the city's responsibility. That is just too vague to begin setting a time line.

Morse suggested:

"Step 1. Take care of Items 2, 3, 4, 5 and 8."

2. Foundation Repair/Replacement
3. Exterior Steps and Landings;

4. Exterior Wall – Siding/Framing/Both;
5. Eaves/Boxed Enclosures.
8. Exterior Doors-Repair/Replacement – 2 units.

Mosely said he'd like to have ramps at the doorways to remove the debris. After discussion, Dibble asked for clarification that Mosely was not referring to handicap ramps and Mosely said no, just short ramps to be able to use a wheelbarrow. Mosely pointed out that he already did #5. Further discussion ensued regarding what hasn't been done and why. Mosely said he was limited by not having electricity; it was pointed out that electricity isn't needed for removing debris or doing demolition. After discussion Dibble asked what Mosely's time frame for completing Items 2 (Foundation Repair/Replacement), 2, 3, 4, 7 and 8 would be. Mosely said 30 days.

Heinig noted that three weeks would be November 18th.

Anderson suggested, "Go through the whole thing and include in your motion that if they default on any one thing we go to demolition."

It was noted that interior walls and roof structure, when gutted, will have to have a framing inspection. Discussion ensued regarding the floor joists.

Step 2: 6, 9, and 10. Framing.

6. Roof Structure – 20% Re-Roof
9. Interior Walls & Ceilings – 2515 S. F.
10. Floor Structure – 1160 S. F.

Dibble confirmed that the entire structure will be gutted and windows reframed with headers to which the appellants agreed. By consensus the board agreed this should be complete by December 9, 2016.

Step 3: 11, 12, 13.

11. Electrical Service – Electrical Wiring System
12. Plumbing – Waste and Supply System, Fixtures, Wall Finishes
13. HVAC – Service line, Heat and/or AC equipment replaced with new

Rogien noted that before a framing inspection, the mechanical permit has to be pulled and that done; also ground fault, outdoor lights and receptacles.

During discussion regarding the furnace replacement, Mosely noted it was not a new furnace he had, but newer than what it is there. Rogien noted that if you have a used furnace you need to be sure that it is up to current code, which has changed recently. There are higher standards for energy efficiency.

During discussion of the plumbing it was ascertained that this includes one bathroom, kitchen sink, vents and sewer line. Mosely said it would all be PEX. A comment was made regarding PVC, as well. By consensus, the board agreed on December 23, 2016 as a completion date for Step 3.

Discussion ensued regarding finished surfaces with it being noted that the only requirements for occupancy include kitchen and bathroom floor coverings; that drywall has to be taped, finished and primed or paneling installed instead of drywall. By consensus, the board agreed that the structure should be ready for occupancy by January 13, 2016.

Hosier asked what happens next.

Linda responded, "On each date Ross has to go over and see that the items listed are done. If at any point it is found that it is not done, the city will go to demolition.

Anderson addressed the applicants and said, "If, at any point, you feel you aren't going to be able to finish this, don't keep throwing money at it, just quit and call us."

Dibble asked Mosely directly, "Can you do that?" to which Mosely responded, "I am going to do it."

Stickland noted that this timeline is 11 weeks.

Dibble pointed out, "We don't want you to put windows in and then have someone come in and demolish them."

Morse said, "You could look at demolishing it, and do a cost-benefit analysis, then sell the lot." Lousma asked if the lot could be built on and Anderson said it would be a hard lot to build on. Anderson noted that there could be several possibilities for selling the property, including neighbors who could add it to their parcel, but added that none of them are sure things.

Lousma asked, "If it got demolished, how much is that for me to pay?" Rogien said if you demolish it, maybe \$7,000. If the city does it, there will be administrative fees and attorney fees added to that. Rogien suggested that the appellants give their options some serious thought and then email him either way, you can do it or you can't do it.

Motion by Heinig that demolition be ordered if Items 2, 3, 4, 7 and 8 are not completed by November 18, 2016; that demolition be ordered if 6, 9 and 10 are not completed by December 9, 2016 and that demolition be ordered if Items 11, 12 and 13 are not completed by December 23, 2016 and that demolition be ordered if the structure is not ready for occupancy with all required floor and wall finishes by January 13, 2017.

Second by Stickland.

All in favor. Motion carried.

7. Adjourn

Motion by Dibble, second by Heinig to adjourn at 4:39 p.m.

All in favor. Motion carried.

October 26, 2016
Construction Board of Appeals
Regular Meeting Minutes
DRAFT

RESPECTFULLY SUBMITTED,

Marsha Ransom
Recording Secretary