



CITY OF BURTON

CONSTRUCTION BOARD OF APPEALS MEETING

JUNE 9, 2016

MINUTES

Council Chambers

Regular Meeting

2:00 PM

**4303 S. CENTER ROAD
BURTON, MI 48519**

This meeting was opened by Board Member John Gazall at 2:00 PM.

A. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Donald Standel	Board Member	Present	
John Gazall	Board Member	Present	
Randy Stewart	Board Member	Present	

B. STAFF PRESENT

Stuart Worthing, Building Official
Racheal Boggs, Clerk's Office

C. MINUTES APPROVAL

1. Construction Board of Appeals - Regular Meeting - May 25, 2016 12:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Donald Standel, Board Member
SECONDER:	Randy Stewart, Board Member
AYES:	Standel, Gazall, Stewart

D. AUDIENCE PARTICIPATION

None.

E. BOARD DISCUSSIN & ACTION

1. Appeal from Pamela Muir about property address of 4090 Homestead, Burton, MI 48529.

Mr. Gazall stated the purpose of the meeting today is to discuss and make a decision regarding an appeal application received by Pamela Muir regarding 4090 Homestead Dr., Burton, MI 48529. According to Section 111 of the International Property Maintenance Code any person directly affected by a decision of the Building Official or a notice or order issued under this code has the right to appeal to the Board of Appeals. Mrs. Muir filed a written application for appeal within the required 20 days. The board shall modify or reverse the decision of the Building Official only by a majority vote of the total number of appointed board members.

Mr. Worthing stated he deemed the entire building unoccupiable on April 15. 2016

when he was called to the property by Consumer's Energy. Based on the exterior and partial interior of the structure, he notified Mrs. Muir that the current tenants needed to move. He also requested a structural engineer's report for the building from roof to foundation be submitted to his office. In the meantime, the apartments were not to be occupied. The reports received by Mrs. Muir were incomplete.

Attorney Denise Fish of Flint will be representing Mrs. Muir. She stated Mrs. Muir did receive reports from two companies; Lopez Engineering and Smith's Construction. However, due to cost restrictions, Mrs. Muir was unable to get the structural engineer's report requested by Mr. Worthing. Currently, Mrs. Muir has tenants residing on the property and others that are wanting to move in. She would like to keep the property and fix it up but she needs the rental income and time to do the repairs.

Pamela Muir of Grand Blanc stated Sal with Consumer's Energy is coming out on Monday to put new gas lines into the building.

Craig Muir of Grand Blanc stated he respects Mr. Worthing and agrees with him that the property needs a lot of work. The dangerous parts are roped off and no one rents them. They have the safety of everyone in mind. He feels pulling the rug out from under them is unfair. They would like six months to make the repairs.

Mr. Stewart stated he agrees the foundation is in fair shape however, the rest of the structure is his concern. If this board allows you to make necessary repairs they would have to be according to the International Property Maintenance Code in terms of workmanship. This code sets the minimum standard for structures including drywall, painting, trim, doors, windows, lighting, for example.

Mr. Stewart referred to the following sections as violations of the International Property Maintenance Code:

- 302.5 Rodents
- 302.6 Exhaust Vents
- 304.2 Protective Treatment
- 304.3 Premises Identification
- 304.4 Structural Members
- 304.7 Roofs and Drainage
- 304.8 Decorative Features
- 304.9 Overhang Extensions
- 304.10 Stairways, Decks, Porches and Balconies
- 304.11 Chimneys and towers
- 304.12 Handrails and Guards
- 304.13 Window, Skylight and Door Frames
- 304.15 Doors
- 304.16 Basement Hatchways
- 304.18 Building Security
- 305.2 Structural Members
- 305.3 Interior Surfaces
- 305.4 Stairs and Walking Surfaces
- 307.1 Accumulation of Rubbish/Garbage
- 308 Extermination

- Chapter 4 Light and Ventilation
- Chapter 5 Plumbing Facilities
- 505 Water System
- Chapter 6 Mechanical and Electrical
- Chapter 7 Fire Safety
- 702 Means of Egress

Mr. Stewart stated the building violates more than 60% of the requirements and it is in extremely hazardous conditions. The cost of repairs will exceed \$100,000.00 which is more than the property is worth.

Mr. Gazall stated he agrees with the foundation report but the other issues have not been addressed. He is unsure of the qualifications of Smith's Construction. Having tenants in the building while doing repairs is unsafe. He is also very concerned about the code violations described by Mr. Stewart.

Mr. Standel said you cannot allow people to live in this building because it is a life safety issue.

Denise Fish stated the field correction notice they were given mentions mainly the structural part of the building. Her client needs the rental income to save the building.

Mr. Gazall stated the board is knowledgeable about the amount of that is required and the associated costs. In terms of the structure, the wood is very rotted especially the entire west side of the building. Also, there are exposed wires throughout the entire complex.

Denise Fish asked if the tenants signed waivers if they could stay in the apartments.

Mr. Gazall said the building code doesn't allow that. If the list of violations only consisted of a few items instead of 25 or more, we could work with you.

Board discussion with Mrs. Muir about the structural issues of the building such as the rotted wood under the carpet as opposed to cosmetic issues like soiled carpet.

Mr. Worthing said we had a similar situation with another apartment complex on Hemphill Road. For safety reasons, we did not allow anyone to live there during the complete remodel.

Mr. Gazall stated we have two options: 1.) Allow the applicant to fix the structure within the specified time frame (6 months). 2.) Follow the recommendation of the Building Official and begin the demolition process. This board's decision is not the final say. The next step would be to appeal to the State of Michigan.

Mr. Stewart clarified that this appeal is for the structural report. He would like to overturn Mr. Worthing's decision and send this property to City Council for immediate demolition based on the following reasons: the property violations exceed 50% of the estimated net value of the building, the property violates more than 60% of the International Property Maintenance Code, repairs would need to be done by a licensed contractor and will cost more than the value of the property.

Mrs. Muir stated she would like to try to sell the building to someone who can afford to make the improvements.

Mr. Worthing said the tenants need to move from the building immediately.

2. Motion to Overturn Mr. Worthings Decision and Refer the Property at 4090 Homestead Drive to City Council for Immediate Demolition.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Randy Stewart, Board Member
SECONDER:	Donald Standel, Board Member
AYES:	Standel, Gazall, Stewart

Meeting was adjourned at 3:04 PM.



CITY OF BURTON

CONSTRUCTION BOARD OF APPEALS MEETING

MAY 25, 2016

MINUTES

Council Chambers

Regular Meeting

12:00 PM

4303 S. CENTER ROAD
BURTON, MI 48519

This meeting was opened by Board Member John Gazall at 12:00 PM.

A. CALL TO ORDER

Attendee Name	Title	Status	Arrived
Donald Standel	Board Member	Present	
John Gazall	Board Member	Present	
Randy Stewart	Board Member	Present	

B. STAFF PRESENT

The board recognized:

Teresa Karsney, City Clerk
Stewart Worthing, Building Official

C. MINUTES APPROVAL

None.

D. AUDIENCE PARTICIPATION

None.

E. NOMINATIONS

1. Motion to Nominate John Gazall for Contruction Board of Appeals Chairman.

RESULT: CARRIED [UNANIMOUS]
MOVER: Randy Stewart, Board Member
SECONDER: Donald Standel, Board Member
AYES: Standel, Gazall, Stewart

2. Motion to Nominate Randy Stewart for Contruction Board of Appeals Vice Chairman.

RESULT: CARRIED [UNANIMOUS]
MOVER: Donald Standel, Board Member
SECONDER: John Gazall, Board Member
AYES: Standel, Gazall, Stewart

F. BOARD DISSCUSSION

Minutes Acceptance: Minutes of May 25, 2016 12:00 PM (Minutes Approval)

Teresa Karsney, City Clerk read the oath and swore in the Board members.

1. Organizational Meeting. Nominations for Chairman. Nominations for Co-Chairman.

The board discussed setting an onsite visit and a meeting date for appeal for the property known as Homestead Apartments located at 4090 Homestead Drive Burton, MI 48529.

The onsite meeting is scheduled for Wednesday, June 1, 2016 at 2:00 PM.

The appeal hearing is scheduled for Thursday, June 9, 2016 at 2:00 PM at Burton City Hall, Council Chambers.

The City Clerk will notify the property owner of the scheduled meetings.

Meeting was adjourned at 12:25 PM.

Minutes Acceptance: Minutes of May 25, 2016 12:00 PM (Minutes Approval)



Construction Board of Appeals

4303 S. Center Rd.
Burton, MI 48519

SCHEDULED

AGENDA ITEM (ID # 2422)

Meeting: 06/09/16 02:00 PM

Department: Clerk's Office

Category: Discussion

Prepared By: Teresa M. Karsney

Department Head: Teresa M. Karsney

E.1

DOC ID: 2422

**Appeal from Pamela Muir about property address of 4090
Homestead, Burton, MI 48529.**