

Minutes of the Clay Township Dangerous Building Commission meeting held on Wednesday, February 13, 2008, at the Clay Township Meeting Hall, 4710 Pte. Tremble Rd., Algonac MI.

Chairman Uschwald called the meeting to order at 2:00 p.m.

Roll Call: Leonard Uschwald, Mary Kot, David Salvador, Georgia Williams

Excused: Jim Miller, Don Drake, Rick Edler, and Jon Manos.

Also Present: Michael J. Kras, Building Official

Motion by Kot, supported by Williams to approve the minutes of January 9, 2008.

AYES: ALL. NAYS: NONE. Excused: Jim Miller, Don Drake, Rick Edler, and Jon Manos.

MOTION CARRIED.

Chairman Uschwald: We are going to take the case where the homeowner is present, so he will not have to wait. Therefore, some of the cases are out of order from the agenda to accommodate the public.

STATEMENT OF PARTICULARS:

DB-2008-003

ERIC/HELENE STANCZAK

222 LA CROIX

Chairman Uschwald called Mike Kras, Building Official as first witness to this case.

Kras: As you notice I put in your packet copies of our Dangerous Building Ordinance and copies of the Blight Code. After reviewing all the different codes that pertain to the Dangerous Building Commission, we are also going to add the Blight Code. On this particular case, this is a building that needs some work, as you can see by the pictures. It doesn't meet many of the standards of the International Property Maintenance Code, it doesn't have a septic field that is posted with the county, and the building is not occupied at this time. My recommendation is that we have a Showcause Hearing in 60 days as to what the owner wants to do with it.

Chairman Uschwald called the owner Eric Stanczak to the podium.

Mr. Stanczak: First of all I have a letter for each of the Board Members and Mike Kras. (Mr. Stanczak proceeded to read the contents of the letter – copy of the letter is on file.)

Kras: I will give a whole list of codes the building is in violation of.

Mr. Stanczak: As far as I am concerned this building falls into a grandfather situation, where it was built probably before any ordinances. It is sort of like the trailers that are here – if you had a trailer on the premises before 1985, you can keep it there. After the ordinance of 1985, you are not allowed to put a trailer on property.

Kras: Yes, that is true, but the trailers have to be maintained and this building has not been maintained.

Mr. Stanczak: I have kept up the property surrounding the building. I keep the grass cut. The building is probably leveler than any other building on this island. It doesn't meet to my understanding of a dangerous building.

Chairman Uschwald: You don't live in that building. Response: No, sir. What do you use it for?

Mr. Stanczak: Basically, I bought it as a speculation. I got a good deal on it. I haven't decided right now what to do with it. If I do decide to make it a home, I'll apply for the proper permits and put in a septic system and do whatever I have to do to bring it up to code. But right now, it stands as just a building. I have not done anything to it or use it. I have thought about putting a medical facility on the property and I have thought about a few other ideas, so I don't want to turn the building into a home and then later on I find out I can use it for something else.

Williams: Is there any reason that you don't side the house right now so it looks presentable? I think that is really the problem.

Kras: The property, by his testimony here, is not connected to any utilities, and as stated in the Blighted Area Rehabilitation Code: "The property has had the utilities, plumbing, heating, or sewerage disconnected, destroyed, removed, or rendered ineffective for a period of 1 year or more so that the property is unfit for its intended use."

Mr. Stanczak: There has never been any plumbing in it.

Kot: Is it an old building? Does it have historical value?

Mr. Stanczak: That is another option. The Historical Society wanted us to donate it to the Historical Museum, because after Frank died, the ducks he carved became very popular.

Kot: How old is the building?

Mr. Stanczak: I don't know. I traced the ownership back to 1952. I have to research this more.

Chairman Uschwald: With the siding you have on there now, if we get a bad rain storm, you probably get water leaking inside, right?

Mr. Stanczak: No. I have owned this building for four years and that siding that is on there now, has been on it forever. It has been holding up very well.

Salvador: Don't you have some cracked windows? I thought I saw one when I drove by the building.

Mr. Stanczak: No, but I would be glad to replace that. I would also be willing to place some skirting around the bottom.

Williams: I know, Mike, you say there are other things wrong with it. If he starts and gets the outside done, isn't that a start?

Kras: Sure.

Williams: When you say you have not decided what you would use it for, would any of these things you have thought about change the structure as it is today?

Mr. Stanczak: Yes it would. If I change it into a home, I would add to it, or if I decided to do something else with it, I might tear it down. There is no ordinance that I know of that states what you have to cover your structure with. This basic structure is covered with something to keep it from deteriorating.

Chairman: You have been thinking over several options on this house. How much time do you think you will need to make a final decision?

Mr. Stanczak: I figure this summer I will plan on doing something with it.

Kot: I feel because the way the ordinance is written and the building is vacant and unoccupied and has been sitting there, also it fits into the criteria of the ordinance for dangerous buildings, I feel we should proceed with the Showcause hearing and as we are moving along, you could be making your mind up of what you want to do, so we will know what type of action to take. If you are going to renovate it then we will give you the time to do it.

Mr. Stanczak: In my opinion, I maintain this building as I am in and out of it. So I guess you could say I use it. We own the video store across the street, so I am over there all the time. So I always check on the building. (Mr. Stanczak went on to reiterate what he had previously stated.)

Mr. Kras also went on to reiterate the Blighted Area Rehabilitation Code.

Chairman Uschwald: A building that is unfit for human habitation is still classified as a dangerous building. How much time have you spent with the Building Inspector? Response: About 45 minutes. Do you need more time to talk to him? Response: Well if he wants to talk to me about it, sure. Normally, in this case here, we would more than likely vote for a Showcause hearing and a Showcause would give you 60 days to think this over and try to make a decision.

Mr. Stanczak: I don't know how much time it is going to take me, but at this point if I have to come back in 60 days to show a cause, I will need to know specifically what it is I have to repair.

Chairman Uschwald: The Building Inspector cannot engineer your piece of property for you. If the Building Inspector says there are things wrong, then I suggest you get a contractor to talk to the Inspector, as the contractor could possibly understand the codes better than you and he could tell you what is wrong.

Motion by Kot, supported by Williams to have a Showcause Hearing on Case #DB-2008-003 in 60 days.

AYES: ALL. NAYS: NONE. Excused: Jim Miller, Don Drake, Rick Edler, and Jon Manos.
MOTION CARRIED.

SHOWCAUSE:

DB-2007-013 GEORGE L. ARNTFIELD 8700 ANCHOR BAY DR.

Chairman Uschwald called Mike Kras, Building Official as first witness to this case.

Kras: I talked with Mr. Arntfield today, he is asking for some extra time because of the weather. I am recommending a 60 day extension.

Motion by Williams, supported by Kot to table case #DB-2007-013 for 60 days.

AYES: ALL. NAYS: NONE. Excused: Jim Miller, Don Drake, Rick Edler, and Jon Manos.
MOTION CARRIED.

DB-2007-016 GEORGE L. ARNTFIELD 8709 ANCHOR BAY DR.

Chairman Uschwald called Mike Kras, Building Official as first witness to this case.

Kras: I talked with Mr. Arntfield today and he has removed a portion of the building that was falling down, but still needs some extra time because of the weather.

Motion by Salvador, supported by Kot to table case #DB-2007-016 for 60 days.

AYES: ALL. NAYS: NONE. Excused: Jim Miller, Don Drake, Rick Edler, and Jon Manos.
MOTION CARRIED.

DB-2007-017 RICHARD/VIOLET SCHOENINGER 8674 ANCHOR BAY DR.

Chairman Uschwald called Mike Kras, Building Official as first witness to this case.

Kras: This building has been removed and the case can be dismissed.

Motion by Kot, supported by Salvador to dismiss case #DB-2007-017.

AYES: ALL. NAYS: NONE. Excused: Jim Miller, Don Drake, Rick Edler, and Jon Manos.
MOTION CARRIED.

STATEMENT OF PARTICULARS

DB-2008-004 SUZANNE WINES 8080 ANCHOR BAY DR.

Chairman Uschwald called Mike Kras, Building Official as first witness to this case.

Kras: This building is starting to deteriorate, it is out of plumb, the roof has actually dropped at the rear end of it, the building is leaning towards the canal and there is also blight on the property.

Williams: Is this a boathouse?

Kras: Well, I don't know, it might just be a garage. I don't know if there is anything inside, the doors are jammed and I could not get the doors open. My recommendation is that we have a Showcause in 60 days.

Motion by Kot, supported by Salvador to have a Showcause Hearing on case #DB-2008-004 in 60 days.

AYES: ALL. NAYS: NONE. Excused: Jim Miller, Don Drake, Rick Edler, and Jon Manos.
MOTION CARRIED.

UPDATES:

DB-2006-013 CONSTANCE/ROBERT KASPARK 10535 ST. JOHNS DR.

Chairman Uschwald called Mike Kras, Building Official as first witness to this case.

Kras: Nothing has been done with this structure. We have not had any contact with the property owners since November 2007. At that time they said they were taking the building down, but nothing has been done.

Kot: What are we going to do about this? They keep saying they are going to take it down, but nothing seems to be happening.

Kras: We can have Mr. McNamee address a letter to them.

Williams: Is this the second time?

Kras: I think this is the third time. This has been going on for a while.

Motion by Kot, supported by Salvador to have Mr. McNamee, the Township Attorney, send the owners a letter and table case #DB-2006-013 for 30 days.

AYES: ALL. NAYS: NONE. Excused: Jim Miller, Don Drake, Rick Edler, and Jon Manos.
MOTION CARRIED.

DB-2007-005 BETTY JENNETTE 7149 MAC DONALD DR.

Chairman Uschwald called Mike Kras, Building Official as first witness to this case.

Kras: I received a phone call from the owner today and she is getting ready to pull permits. She has apparently got with a contractor that has given her a pretty good price on the repairs of the

building. I'm sure she will be in within the next couple of weeks. Obviously we can't close this case out because nothing has been done to the building yet, so my recommendation is that we give her another 90 days, so we can see if there is progress then.

Motion by Salvador, supported by Williams to table case #DB-2007-005 for 90 days.

AYES: ALL. NAYS: NONE. Excused: Jim Miller, Don Drake, Rick Edler, and Jon Manos.

MOTION CARRIED.

ADJOURNMENT:

Motion by Kot, supported by Salvador to adjourn the meeting at 3:00 pm.

AYES: ALL. NAYS: NONE. Excused: Jim Miller, Don Drake, Rick Edler, and Jon Manos.

MOTION CARRIED.

Respectfully Submitted,

Patty Watson

Recording Secretary