

**Meeting of  
April 28, 2016**

Record of the proceedings of the Boyne City Dangerous Building Hearing held at Boyne City Hall, 364 North Lake Street, on Thursday, April 28, 2016 at 7:00 pm.

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**Call to Order**

Hearing called to order at 7:00 p.m.

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**Roll Call**

Present: Don Gilmet, Hearing Officer

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**Meeting Attendance**

City Officials/Staff: Planning and Zoning Administrator Scott McPherson, Chief of Police Jeff Gaither and Recording Secretary Pat Haver  
Public Present: 7

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**Citizen comments on  
Non-Agenda Items**

None

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**New Business**

**Dangerous Building  
Hearing for 204 S. East St.  
Tax ID 15-051-341-143-00**

Planning Director McPherson reviewed the reason for the hearing. Staff received complaints about the condition of the structure at 204 S. East St. which included photos and a statement from one of the neighbors. Upon investigation of the outside of the structure, it was determined that there was probably reason to believe it was a dangerous structure and a certified letter was sent to the owner and the property was posted for the hearing that was scheduled. Staff requested permission to gain entry into the structure to inspect and it was not given, so a warrant was requested and received from the Circuit Court and an inspection was done in the presence of staff, Chief Gaither, and a representative of the Charlevoix County Building Department today. A staff report with materials and photos was given to the hearing officer, along with a copy of a body cam video provided on a USB drive. A copy of the printed material was also provided to Ms. Caroline Gersch, representative of the Chapp family. McPherson's impression from the inspection is the building is uninhabitable as the structure is showing signs of a breach in the roof, failing ceilings and the floors collapsed in several locations. The water has been off since 1989, the power has been off for approximately 20 years, and believes that it has not been lived in since 1989. It is apparent it is a dangerous structure under the definition of a dangerous building Section 14.19 it meets several of the criteria, specifically (8) which states *"A building or structure used or intended to be used for dwelling purposes, including the adjoining grounds, because of dilapidation, decay, damage, faulty construction or arrangement, or for other reason, is unsanitary or unfit for human habitation, is in a condition that the health officer determines is likely to cause sickness or disease, or is likely to injure the health, safety or general welfare of people living in the dwelling"*. We are requesting that you move forward with your order of findings of a dangerous structure and remedy in the quickest possible time, our recommendation would be within 30 days.

**Kevin Schlickau: Charlevoix County Building Department** - Upon inspection we see that the exterior entrances are sealed, however are not safe or sound. The middle parts of the saddle at the peaks have holes where ice has fallen through the roof, multiple ceiling & floors all the way to the basement. You can not get from one side of the house to the other because of the size of the holes. There is evidence that the floor joints/beams have snapped. A permit for roofing and siding was pulled last week, with a new roof definitely being needed.

**Chief Jeff Gaither** - To me it appears uninhabitable; during the inspection Mr. Chapp pointed out several unsafe places while we were going through the building and requested that we not stray far from him. We could not get from one area of the structure to another due to large holes in the floors from materials that had collapsed and fallen from one floor to another into the basement. We could not get

to the second floor, except for the use of a ladder. Mr. Chapp did say that it was their intention to tear it down; meanwhile there were people from a construction company in Mancelona who were looking at the building to possibly tear it down.

**Gilmet** – In code enforcement we have terms of attractive nuisance what would be the chances of the kids in the neighborhood or a vagrant getting in to the structure?

**Gaither** – There did not appear to be any opening on the ground floor, however a small round opening on the upper floor. It certainly could be gotten into fairly easily due to the condition.

**Caroline Gersch: representative for the Chapp Family** – Chapps' have owned this property since 1982, care very much for the community and regret that it has deteriorated to this state. They have every intention of repairing the structure and roof from a cost analysis. The structure is solid and intact and it is a strong building. We have every intention to make sure that it happens now; we want to work with the city and are asking for a reasonable time frame to remedy the structure and feel that 30 days is very tight. They want to contribute to the beautification of the area.

**Gilmet** – So your intention is not demolition at this point?

**David Chapp** – We are looking at realistically; if we take it down will the city allow us to put it back up on the same foot print? If we are not allowed to put it back on the current footprint, we will go with repair. I will get it to a functional state and work with the city to get a plan worked out and do something with the property. I don't want to tear it down and then not be able to put it back up.

**Gilmet** – You want to make sure that you do not have problems with setbacks?

**Chapp** – We will do what we can to get the floor and roof back in place, and then get with the city to see what the best use is. We have a permit for roofing and siding and when we went in and saw that the last couple of snow storms had done interior damage, we will get it firmed up and then negotiate with the city for the best use.

**Gilmet** – The hole in the roof, is it between sound rafters or roof framing?

**Schlickau** – I could not tell for sure, but did see that roof trusses were damaged; it will certainly not be a minor repair. Siding and roofing permit was obtained April 11, 2016.

**Bob Grove: 3050 Tall Pine** – I am a believer in code enforcement in zoning and when certain properties are not maintained they affect other properties in the area, along with safety concerns. I strongly urge the city to speed up the process up.

**Todd Wright: Builder and adjacent property owner** – I brought this complaint. I own the properties to the west and south for almost 15 years. This property has been in a continued state of decline the entire time. I have spoken with Dan Chapp several times, and have expressed my interest in purchasing the property, but he has always told me that any day now they were going to start repairing the building to turn it into office space. It is a pattern with other properties that they own in town, this one, affects my business the most. I would be more than happy to see it fixed up. I know what the cost would be to repair the building; it would be less expensive to tear it down than bring it up to current code. They can't just dress up the outside, and pull a couple of permits. Firm criteria must be set, because it is in the CBD (Central Business District) you can build out to the sidewalks & property line. If it were my building, I would tear it down; the lot is worth more sitting empty than with the current building.

**Gilmet** – Single family residences are allowed in your CBD?

**McPherson** – Yes.

**Wright** – I did speak with the building inspector after the walk through, no inspector wants to tell someone to tear down a structure. Doing a cost analysis on this building, a bulldozer will be the cheapest and staring over will be the better way to go. Give definite timelines with very definite milestones. It needs to be brought up to current code structurally, mechanically and electrically not just vinyl siding slapped on.

Public comment closed at 7:21 pm

**Gilmet** – I have 5 days to make my decision, and will use a portion of that time. My decision will be sent to all interested parties. He gave a summary of his qualifications and does understand everything that has been said tonight. Every structure in the State of Michigan is ruled by the 2015 International Property Maintenance Code, which does address more than the outside. Is this building currently a legal non conforming structure, or a legal structure in bad repair?

**McPherson** – If it does not meet the setback for a Traditional Residential District (TRD) zoned house, it would be non conforming in that aspect, however, if it is used for commercial uses or business uses, it does not have to meet the setbacks for a single family dwelling; so it depends on what they want to use it for.

**Gilmet** – As it stands now, as of its last use, it is a single family dwelling?

**McPherson** – The use is conforming, if there is one, it would be a dimensional nonconformity.

**Gilmet** – Municipalities have regulations for buildings because they need to be maintained, when vacant they take down the value of other properties and it is evident that this house has not been maintained in a long time. The structure and yard have not been taken care of. I am not going to give my decision tonight; I am a strong believer of property owner rights. Need to have a strict timeline for the benefit of everyone in the community. It is an attractive nuisance and a safety factor to the neighbors. It will need to be brought to a habitable state, restoring floor joists and bring back in water and power.

**Chapp** – The valley has always been an issue, and we would want to get with the building department for a structural change in the roof, so trusses will need to be ordered, so timing might be an issue.

**Gilmet** – What would be the turn around time of the Building Department for a residential structural plan review for minor change?

**Schlickau** – As long as all of the required paperwork is in the office, a week.

**Gilmet** – It needs to be addressed because everyday it is getting worse and worse.

**Gaither** – We asked about going to the upstairs as there was no access, we needed to use a ladder and found a window was open from the inside

**Gilmet** – Any changes that will be made must be brought up to current code.

## Adjournment

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**2016-04-28-5**

The April 28, 2016 Dangerous Building Hearing was adjourned at 7:30 pm

*Pat Haver*

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Pat Haver, Recording Secretary