

**CHARTER TOWNSHIP OF VAN BUREN
CONSTRUCTION BOARD OF APPEALS AGENDA
Wednesday, September 21st, 2022 – 3:00 PM
Van Buren Township Hall
46425 Tyler Road**

Per guidance provided by the Wayne County Local Public Health Department for meetings of governmental bodies held under public act 228 of 2020, effective January 1, 2022, the following Zoom link is provided to enable remote participation in a meeting of the public body by the general public:

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/82404600073>

Or One tap mobile :

US: +13126266799,,82404600073# or +16469313860,,82404600073#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 312 626 6799 or +1 646 931 3860 or +1 929 436 2866 or +1 301 715 8592 or +1 309 205 3325
or +1 386 347 5053 or +1 564 217 2000 or +1 669 444 9171 or +1 669 900 6833 or +1 719 359 4580 or
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Webinar ID: 824 0460 0073

International numbers available: <https://us06web.zoom.us/j/82404600073>

See the Van Buren Charter Township website for additional information regarding how to participate in a Zoom public meeting.

CALL TO ORDER:

ROLL CALL:

APPROVAL OF AGENDA:

MINUTES: Approval of minutes from the regular meeting of July 30, 2019.

CORRESPONDENCE:

PUBLIC HEARING:

OLD BUSINESS:

NEW BUSINESS:

ITEM # 1 **50947-50955 SOUTH INTERSTATE 94 SERVICE DRIVE (PARCEL ID 83 074 01 0028 006 and 008)**

TITLE: The Construction Board of Appeals will hear appeals regarding condemnation notice posted for structures at 50947-55 South Interstate 94 Service Drive (parcel ID number 83 074 01 0028 006 and 008) by the Building Official and for relief from the Township proceeding as allowed under sections 18-121 to 18-125 of the Van Buren Township Property Maintenance Code to have the structures removed from the property. The hearing is based upon the provisions set forth in Sections

18-4 to 18-30 of the Charter Township of Van Buren Code of Ordinances.

APPLICANT: Pear, Sperling, Egan, and Daniels P.C. (representing property owner Wain Bales)

APPEAL: Relief from orders of demolition issued for principal dwelling and accessory garage at 50947-55 South Interstate 94 Service Drive (parcel ID number 83-074-01-0028-008)

CODE REFERENCE: Section 18-125 of the Van Buren Township Code of Ordinances (Property Maintenance Code – Demolition)

ACTION ITEMS: A. Presentation from Staff
B. Presentation from applicant
C. Public Comment
D. Construction Board of Appeals vote

ANNOUNCEMENTS, COMMENTS, AND OPEN DISCUSSION:

ADJOURNMENT:

CHARTER TOWNSHIP OF VAN BUREN
Construction Board of Appeals
Wednesday - July 30, 2019
DRAFT MINUTES

The Meeting was called to order at 1:05PM in the Denton room by Interim Director Krishnan.

ROLL CALL:

Present: Osier, McGovern

Absent: Davenport

Staff: Krishnan, Halstead, Mannarino

Audience: 10

ACCEPTANCE OF AGENDA: Motion to accept the agenda Osier, Seconded by McGovern. Motion Carried

APPROVAL OF MINUTES: Motion to approve minutes from December 12, 2018 Osier, Seconded McGovern. Motion Carried

CORRESPONDENCE: None

NEW BUSINESS:

ITEM #1

APPLICANT: Joe Endreszl

APPEAL: APPEALING ORDER OF CONDEMNATION NOTICE FOR STRUCTURES LOCATED AT 750 AND 758 HURON RIVER DRIVE

CODE REFERENCE: VAN BUREN TOWNSHIP PROPERTY MAINTENANCE CODE SECTIONS 18-4 to 18-30

The applicant, Joe Endreszl, gave his presentation to the board. He mentioned he hired Geotech to come out and do a site inspection. The township Engineers also went out to do an inspection at the site. The Board all received a copy of the reports and discussed their findings. The Applicant asked if the condemnation order could be rescinded due to the reports from the engineers and that he be given additional time to come up with a more concise plan to address the slope issue.

Kathy Parker, tenant at 758 Huron River, stated her landlord had been telling her he would fix the garage and shed since December of 2017. She mentioned her rent money is in escrow as the property has been posted condemned/uninhabitable.

Michelle, Tenant at 750 Huron River Dr., asked what the status would be for her as the tenant and what this all means for her.

Steven Endreszl, brother of applicant, mentioned that after the inspection from engineers they purchased and put up all cautionary tape that was requested by the engineers.

The concern from the board members was the structures safety once the demo took place.

**Motion to order the applicant, Joe Endreszl, to bring the property into compliance by demolishing deck & detached garage/shed within 30 days of date of CBA Meeting, demolish remaining portion & cracked foundation within 30 days of receiving Wayne county soil erosion permit (copy of permit is required to verify 30-day start). Once items are complete a special inspection must be called for, the Building Official, Twp. Engineer & Geotech must check the (2) dwellings for safety. If inspection passes, Condemnation sticker will be removed at that time. Osier, Seconded by McGovern.
Motion Carried.**

ITEM #2

APPLICANT: John Day

APPEAL: APPEALING CONDEMNATION NOTICE FOR 14108 HAGGERTY RD.

CODE REFERENCE:

John Day, Attorney for owners at 14108 Haggerty Rd., gave presentation for the appeal of the condemnation.

Crystal Dove stated they would be getting the water meter installed and the plumbing inspected this week. Once it passed a final inspection the building official will remove the uninhabitable notice/ posting.

No Motion Made.

ANNOUNCEMENTS, COMMENTS, AND OPEN DISCUSSION: None

Motion McGovern, seconded by Osier to adjourn at 2:48 p.m.

Motion Carried

Respectfully submitted,

Anna Halstead, Recording Secretary

Case number _____

Dated submitted _____

Construction Board of Appeals Application

APPLICANT INFORMATION

Applicant Pear Sperling Eggen + Danich P.C. Phone (734) 821-1044
Property Owner (if different than applicant) Wain Bales Phone (734) 288-1001
Address 50955 S. I-94 Service Drive. Fax (734) 665-8788
City, State Van Buren Twp, MI Zip 48111 E-Mail Address jkennedy@pscdlaw.com

SITE INFORMATION

Location or address of structure or facility: 50947 - 50955 S. I-94 Service Dr.,
Van Buren Township, MI 48111
Zoning District _____ Section _____
Legal Description See Exhibit A, Attached

State all deed, subdivision improvement and property restrictions in effect at this time, together with dates of expiration:

None

APPEAL REQUEST

An interested person has the right to appeal a decision of the enforcing agency to the Board of Appeals in accordance with the Act (PA 230 of 1972). An application for appeal shall be based on a claim that the true intent of the code or the rules governing construction have been incorrectly interpreted, the provisions of the code do not apply, or an equal or better form of construction is proposed.

List below a brief outline of your appeal, listing sections of the Building Code from which relief is sought and outline your proposals that are contrary to the Building/Residential Code and/or Building Official's decision.

See Exhibit B, Attached

REQUIRED INFORMATION

Attach all supporting data to the application, including plans drawn to scale, showing shape, dimension, construction materials and method of construction. Six (6) copies shall be submitted and shall depict a clear and accurate description of that portion of the proposed structure or facility on which the appeal is based.

OWNER'S SIGNATURE

Wain Bales

Print Property Owners Name

Jerry K. Attorney on
Signature of Property Owner
behalf of Wain Bales

6/30/22

Date

EXHIBIT A – Legal Description

Liber: 68 Page: 22 Subd: NEWMAN ORCHARDS Lot: 28 Remarks: PARCEL 1 S 135' OF N
433.33' Municip: VAN BUREN TOWNSHIP

TaxID: 83074010028008

Street: 50947 INTERSTATE 94 SERVICE DR

Liber: 68 Page: 22 Subd: NEWMAN ORCHARDS Lot: 28 Remarks: PARCEL 2 S 101' OF N
308.33' Municip: VAN BUREN TOWNSHIP

TaxID: 83074010028006

Street: 50947 INTERSTATE 94 SERVICE DR

EXHIBIT B – Bales Construction Board of Appeals Application

- Relief is sought from an order of demolition issued under Section 18-125 of the VanBuren Township Code of Ordinances (the “Code”).
- Wain Bales, the applicant, and his late wife, Kim, owned a home at 50955 S. I-94 Service Drive, Van Buren Township (the “Home”).
- The Home was damaged in a fire in April 2020.
- The Bales’ insurance company retained Vision Restoration to repair the Home on April 16, 2020.
- Mr. Bales, as required, had plans submitted as required by the Code for the repair of the Home. Those plans were approved by the Township, as required by Section 18-120.
- Vision Restoration began working on the Home shortly thereafter.
- Vision worked for several months, but quit working on the job on or around January 26, 2021. There is dispute as to the reasons for Vision’s quitting, and those disputes are currently being adjudicated in court.
- In February of 2021 Vision cancelled the permits they pulled for work on the Home, requiring the Bales to start over, find a new contractor, and apply for new permits.
- In November of 2021, Mr. and Mrs. Bales had plans prepared and were approved for a new building permit by Van Buren Township.
- The Bales’ set about finding a new contractor to do the work to restore their home.
- Before they could find a new contractor and begin work, Mrs. Bales, who had been in remission for breast cancer, was diagnosed with a recurrence of the disease in early 2022.
- Because of Kim Bales’ breast cancer, the Bales were unable to focus on making the needed repairs to the Home, and the permits expired in March of 2022.
- Kim Bales’ cancer was much more aggressive when it returned, and her health deteriorated rapidly.
- Kim Bales passed away in May of 2022.
- At the same time, Wain Bales received a new demolition notice in May.
- Mr. Bales previously submitted all the plans needed to finish restoration of the Home.
- Mr. Bales was only prevented from finding a from finding a new contractor because of his wife’s illness and later, her death.
- Section 18-120(a) permits modifications to plans, reading:

(a) Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases, provided the code official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the department files.

- In this case, Kim Bales' cancer, which was ultimately fatal, was the primary reason that Wain Bales was unable to find a contractor to complete restoration of 50947-50955 S. I-94 Service Drive.
- Mr. Bales requests that the permits previously issued be extended, with a schedule detailing specific milestones, to allow him to restore the Home before the demolition order is enforced.
- This recognizes the difficulties he has gone through the past several months, and addresses the failure to complete the permits, which was caused by his wife's illness and subsequent death.



MEMO

TO: Van Buren Township Construction Board of Appeals
FROM: Dan Power– Director of Planning and Economic Development
RE: Condemnation of 50955 South Interstate 94 Service Drive
DATE: September 16, 2022

To the Members of the Construction Board of Appeals:

Applicant Wain Bales seeks relief from the Township proceeding as allowed under sections 18-121 to 18-125 of the Van Buren Township Property Maintenance Code to have a principal dwelling and detached accessory garage removed from the property. The property has been given orders of demolition both for the principal dwelling and for an accessory detached garage. Wain Bales currently owns the property, which was previously jointly owned with Kimberly Bales who passed away in May of 2022. The property was fire damaged on December 24, 2019. The events following this fire, which are summarized below, provide background for the purpose of the Township's actions and the owner's requested appeal:

- **Initial incident and follow-up activities.** Standard post-fire processes occurred in January 2020, including the submittal of a standard fire withholding check from the owner's insurance company and completion of a routine fire damage walk-through inspection by the Township Building Official and electrical inspector. Then owner Kimberly Bales contacted Township staff around this time to inquire about the temporary installation of a trailer on the site as emergency housing while the damaged home was to be repaired. On January 27, 2020, Township staff mailed a field inspection notice advising the homeowner of limits on use of trailer as temporary housing.
- **Initial permitting.** On June 17, 2020, a demolition permit (PB20-0204) was issued to Vision Restoration for partial demolition of the fire damaged portion of the dwelling and on July 27, 2020 a building permit (PB20-0143) was issued to Vision Restoration for the completion of restoration to the principal dwelling. Following a dispute with the applicant, in February 4, 2021, Vision Restoration formally requested cancellation of both the building permit and the demolition permit.
- **Delays and inactivity.** On May 25, 2021, the first notice of condemnation for the site's principal dwelling was sent and the property was condemned. Over the subsequent months, staff met on several occasions. Staff held a discussion with the owners and their new selected contractor, Robert Barnett, on June 22, 2021. A preliminary proposed scope of work was submitted at that time but no building permit application was made. On August 30, 2021, the condition of the principal dwelling was re-evaluated and again deemed uninhabitable. The Township sent a second notice of demolition on September 30, 2021. On October 19,

2021 and November 18, 2021, staff again held discussions with the property owner to assist with progress toward demolition or rehabilitation or repair.

- **Second permit and continued delays.** A new building permit application (PB 21-0736) was submitted by the owner on Monday, November 22, 2021 and the building permit was issued on December 13, 2021. Due to the continued project delays and safety concerns with the continual exposure of the principal dwelling, the permit had an expiration date of 90 days, with a condition that all work and all final inspections were to be completed by March 11, 2022. The applicant claims that the owners set about finding a new contractor to do the work to restore their home. The building permit expired on March 11, 2022. The Township's Building Inspector sent a third notice of demolition for the dwelling on March 24, 2022. On May 9, 2022, a fourth and final notice of demolition was sent for the dwelling and on May 19, 2022, a first notice of demolition for the garage was sent, as the garage is not permitted under the Zoning Ordinance to remain on the site without a principal dwelling existing on the site. The owner, with the assistance of Attorney Jeremy Kennedy of Pear Sperling Eggen & Daniels, applied for relief from the Construction Board of Appeals on June 30, 2022.

The applicant has included a justification for their appeal in Exhibit B to their application packet. Exhibit B contains a timeline which includes various delays and contractor disputes in the construction process and the medical issues and unfortunate death of the previous co-owner of the property, Kimberly Bales. Ms. Bales passed away in May 2022. The applicant references the difficulties the owner has gone through the past several months, and addresses the failure to complete the permits, which was caused by his wife's illness and subsequent death. He presents these difficulties as grounds for justification to modifications to the condemnation and demolition process as outlined in Section 18-120(a) of the Van Buren Township Code of Ordinances. Mr. Bales requests that the permits previously issued be extended, with a schedule detailing specific milestones, to allow him to restore the home before the demolition order is enforced.

Staff recognizes the complications and difficulties imposed due to the COVID-19 pandemic and the unfortunate illness and death of the property's former co-owner. Recognizing these complications, staff provided significant additional time for the owner to either make repairs and rehabilitate, or demolish, the dwelling. No inspections have been completed under an issued building permit for the property in the nearly three years since the time of an initial walk through inspection in January 2020. The rear portion of the dwelling has been exposed with no weather protection for much of the time it has been in disrepair and has been continually exposed to the elements. The last documented activity in the structure was under the open permit from Vision Restoration, which would have occurred over 18 months ago prior to their cancellation of permits. As the Board makes its decision, I recommend reviewing Section 18-125(a) of the Township's Code of Ordinances, which is attached for reference, in its entirety in comparison with these facts.

While staff is sympathetic to the plight of the property owner, in the interest of safety for the property owner and surrounding properties, we recommend upholding the demolition order for the existing structures. The owner may explore other housing options including re-building a new dwelling on the existing property. I am happy to answer any questions on behalf of the Township's Department

of Planning and Economic Development. The Township's contractual Building Inspector / Code Official Gerald Harder will also be present at the Construction Board of Appeals meeting.

Thank you for allowing me to contribute to this review.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Power". The signature is fluid and cursive, with the first name "Dan" and last name "Power" clearly distinguishable.

Dan Power, AICP
Planning and Economic Development Director
Public Services Department
Charter Township of Van Buren

CC: Gerald Harder
Building Official (Contractual)
Charter Township of Van Buren

NOTICE OF SPECIAL MEETING
OF THE
CHARTER TOWNSHIP OF VAN BUREN
Construction Board of Appeals
TO BE HELD AT 3:00 P.M.

ON WEDNESDAY, SEPTEMBER 21, 2022
For the purpose of:

Hearing appeals regarding condemnation notice posted for structures at 50947-50955 South Interstate 94 Service Drive by the Building Official and for relief from the Township proceeding as allowed under sections 18-121 to 18-125 of the Van Buren Township Property Maintenance Code to have the structures removed from the property. The hearing is based upon the provisions set forth in Sections 18-4 to 18-30 of the Charter Township of Van Buren Code of Ordinances.

TOWNSHIP HALL
46425 TYLER ROAD
VAN BUREN TOWNSHIP, MICHIGAN 48111

Leon Wright, Clerk
Charter Township of Van Buren

In accordance with the Americans with Disabilities Act, reasonable accommodations can be made with advance notice by calling the Clerk's Office 734.699.8909

Posted 9-16-2022







ORDER OF DEMOLITION – FOURTH AND FINAL NOTICE

May 9, 2022

Bales, Wain Lee
50947-50955 South Interstate 94 Service Drive
Van Buren Township, MI 48111

Re: 50947-50955 I-94 SSD
Tax parcel ID#: 83-074-01-0028-008

After an inspection by the Charter Township of Van Buren Building and Ordinance Departments, the principal dwelling located at 50955 I-94 South Service Drive, parcel # 83-074-01-0028-008, has been deemed dangerous, unsafe or otherwise unfit for human occupancy for numerous reasons listed in previous notices issued to you since January 2020.

The existing dwelling was damaged in a fire and is uninhabitable. Our office has worked with and met with you regularly since January of 2020 to have you make the necessary repairs or demolish the structure. The Township has attempted to work with you numerous times to get a contractor to rehabilitate the property. In this duration you have also located a trailer on the property, against the rules of the Ordinance. The last notice issued to you on May 28, 2021, gave you until June 11, 2021 to apply for necessary permits and proceed to demolition within 90 days. We then allowed you an opportunity to apply for permits as a homeowner. **Once the application was made on December 13, 2021, you were aware that you then had 90 days to complete the work, or until March 11, 2022.**

Upon expiration of the above-mentioned permit, you were sent a third and final notice of order of demolition dated March 24, 2022. Within 20 days of the date of this notice, by no later than Monday, April 18, 2022, you were then ordered to comply with the demolition order by submitting a permit application for demolition of the principal dwelling. Additionally, the unlawful trailer must be relocated off of the property by this date. On April 21, 2022, the owner contacted the Township via email, however, this did not indicate any attempt to comply with the order mentioned above.

As of this date there has been no compliance, action taken to address the issues noted above or a written submission of proposed course of action and timeline; therefore, you are being notified that the Township will proceed with pursuing demolition of the dwelling and removal of the trailer.

The Charter Township of Van Buren proceeding as allowed under sections 18-121 to 18-125 of the Van Buren Township Property Maintenance Code to have the structure and related appurtenances removed from the property. The Township will seek restitution for all costs it incurs related to this matter.

If you should have any questions on this matter, please contact the undersigned at the Township Offices (734)699-8913.



VAN BUREN CHARTER TOWNSHIP

46425 Tyler Road,
Van Buren Twp, MI 48111

Dan Power, AICP
Director of Planning and Economic Development

Gerald Harder
Building Inspector

Photos taken upon inspection, October 19, 2021





ORDER OF CONDEMNATION – first notice

May 19, 2022

Bales, Wain Lee
50947-50955 South Interstate 94 Service Drive
Van Buren Township, MI 48111

Re: 50947-50955 I-94 SSD
Tax parcel ID#: 83-074-01-0028-008

After an inspection by the Charter Township of Van Buren Building and Ordinance Departments, the detached accessory structure (garage) located at 50955 I-94 South Service Drive, parcel # 83-074-01-0028-008, has been deemed dangerous, unsafe or otherwise unfit for human occupancy because the structure is in a state of disrepair with rotting soffits, roof damage, overgrown weeds on driveway and general state of abandonment. Further, the subject site also has a dwelling that was damaged in a fire in and subject to multiple notices of condemnation and demolition since January 2020. An accessory structure cannot exist without a principal structure.

You have been issued multiple notices for demolition of the principal structure. The detached accessory Structure (garage) must also be demolished. Please note that you have the right to appeal this order by filing an application to the Board of Construction Appeals within 20 days of this notice. Failure to do so will result in the Charter Township of Van Buren proceeding as allowed under sections 18-121 to 18-125 of the Township Property Maintenance Code to have the structure and related appurtenances removed from the property. The Township will seek restitution for all costs it incurs related to this matter.

If you should have any questions on this matter, please contact the undersigned at the Township Offices (734)699-8913. See attached photographs.

Sincerely,

Dan Power
Director of Planning and Economic Development
(For Gerald Harder, Building Official)