

**CHARTER TOWNSHIP OF VAN BUREN  
CONSTRUCTION BOARD OF APPEALS AGENDA  
Wednesday, November 15, 2023 – 3:00 PM  
Van Buren Township Hall  
46425 Tyler Road  
Denton Room**

**The meeting will be held in person with the members of the Construction Board of Appeals and Applicant. Other participants may attend remotely using the instructions below.**

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:

Topic: 11/15/23 CBA Meeting  
Time: November 15, 2023 03:00 PM Eastern Time (US and Canada)

Join Zoom Meeting  
<https://us06web.zoom.us/j/84107941340>  
Meeting ID: 841 0794 1340  
Dial +1 646 931 3860 US

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 meeting of May 24, 2023.

**CORRESPONDENCE:**

**PUBLIC HEARING:**

**OLD 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

**NEW BUSINESS:**

**ANNOUNCEMENTS, COMMENTS, AND OPEN DISCUSSION:**

**ADJOURNMENT:**

**CHARTER TOWNSHIP OF VAN BUREN  
CONSTRUCTION BOARD OF APPEALS  
WEDNESDAY, MAY 24, 2023  
MEETING MINUTES**

Meeting was called to order at 3:20 PM in the Denton Room by William Osier.

William Osier appointed Harlan Davenport to Chair for this Board Meeting. Seconded by Mike McGovern.

**ROLL CALL:**

**Board members:** William Osier, Michael McGovern, and Harlan Davenport

**Staff:** Dan Power (Director of Planning & Economic Development), Angela Mannarino (Township Attorney), Christopher Salazar (Building Official), and Caroline Manley (Recording Secretary)

**Applicant in Attendance:** Attorney Jeremy Kennedy (Pear Sperling Eggen & Daniels) and Wain Bales (Owner – 50955 South Interstate 94 Service Drive) (Mr. Bales arrived at 15:36 PM)

**APPROVAL OF AGENDA:**

Moved and seconded by Board Members Osier and Davenport.

**Motion Carried.**

**APPROVAL OF MAY 24, 2023 MEETING MINUTES:**

Moved and seconded by Board members Osier and Davenport to approve the Construction Board of Appeals Meeting Minutes of May 24, 2023 as presented.

**Motion Carried.**

**CORRESPONDENCE:**

None.

**PUBLIC HEARING:**

None.

**OLD BUSINESS:**

None.

**ITEM #1:**

**50947-55 SOUTH INTERSTATE 94 SERVICE DRIVE (PARCEL ID 83 074 01 0028 006 AND 008).**

Mr. Power discussed history of 50947-50955 South Interstate 94 Service Drive (Parcel ID 83 074 01 0028 006 and 008). Late Homeowner and current property owner, Mr. Bales, sought to keep a trailer on the property and solicit permit and contractor agreements on the property in summer of 2020. In February of 2021 they severed their contracts for repairs. Homeowner has broken numerous ties with contractors. Roughly one year ago received 4<sup>th</sup> notice of demolition. Based on the request to prolong relief to Mr. Bales, the Construction Board of Appeals met in September of 2022 and then adjourned for a report of recommendations made by Jerry Harder.

Report advised trailer had to be made back into a mobile trailer and wheels put back on and not be anchored to the property. Building Official Salazar took updated photos of work on property and is included in today's meeting packet. Past 7 months, Building Department has not seen permits pulled on property for any advised work. No formal contracts signed or applications submitted for contract work which violated extension previously granted the Board. Mr. Power advised Board Members consider posting notice of advertisement of bid to demolish house and garage or Board is open to hear additional appeal from applicant with a licensed contractor and firm timeline to complete project. Mr. Power suggested an application from Mr. Bales within 7 days, a rough inspection within 60 days and a final inspection within 120 as a starting point. Mr. Power encourages the board to consider any additional fines within property maintenance if any terms are violated.

Mr. Davenport questioned Mr. Geidner (Contractor) on contract drawn up for Mr. Bales and on expected timeline. Mr. Geidner updated Board he is a licensed contractor and that contract with Mr. Bales is currently not binding. Mr. Geidner updated that Mr. Bales requested slab is kept and windows stay. Advised he does not know scope of work yet but estimates 6-9 months. Mr. Davenport estimates less than that.

Mr. Davenport made recommendation to the Board to give Mr. Geidner 7 days to execute this contract fully and pay 50% of contract determined. Expects within 7 days to pull Building Permit with scope of work to Building Department. Mr. Geidner expects it will take more than 7 days to have architect draw up plans. Mr. Davenport asked Building Official Salazar if he would accept a written scope of work and line items from Mr. Geidner. Mr. Salazar agreed he would accept line items. Mr. Davenport suggested for the amount of work, the Board grants Mr. Bales 120 days to complete project scope. Advised to invoke a \$250 penalty for every day past the 7 days that the items the Board requested is not done. Mr. Geidner agreed on timeline.

Mr. Kennedy updated the Board on the discussion of availability of assets for Mr. Bales. Attorney Mannarino advised that the Ordinance Officer would be in charge of delivering fines by writing tickets. Board is aware Ordinance Officer has the responsibility for this.

Mr. Salazar questioned the contract timeline of 7 days if debate about keeping windows, doors, slabs is in place. Mr. Salazar wants a site inspection to verify the timeline passed down to him from past inspections. Suggested Tuesday, 5/30/2023, to do site inspection and provide updated scope of work. Mr. Geidner and Mr. Salazar agreed upon inspection time of May 30<sup>th</sup>, at 10:00am. Mr. Davenport updated from 7 days to 14 days to have Mr. Bales and Mr. Geidner to present updated timeline and scope of work.

Mr. Bales discussed with Board the matter of money down and when payments could be expected. Mr. Geidner requests needing a meeting to discuss with Mr. Bales money down confirmation and go over scope of work pending Mr. Salazar's site inspection on the 30<sup>th</sup>.

Mr. Davenport questioned Mr. Bales if he is currently living at the site. Mr. Bales states he is not living there. Mr. Davenport discussed with Mr. Bales the Board's expectations for the timeline of 14 days and 120 days timeline and that a \$250 penalty daily be executed by the Ordinance Officer



if work is not done in agreed upon timeframe. Mr. Davenport suggested Mr. Bales' focus should be house first and then focus on the addition to save him time and money.

Mr. Power and Mr. Salazar asked Mr. Davenport about the violations specifically occupying the site potentially creating a hazardous position. Observations have been made of an electrical line and water line connected to the trailer. Mr. Power advised immediate removal of the trailer to remedy the situation. Mr. Bales states he is only using the trailer as a closet and occasional shower. Mr. Power discussed if you have an occupied dwelling, you can have a trailer remaining on the site. If the trailer is to remain on the site, there must not be any electrical or water hook up. The Board stated that the trailer only had the permission to be stored on the property, not used for a dwelling. Mr. Davenport made a recommendation to the Township to handle the issue of the trailer. Mr. Osier made a motion to let the Township make the decision on where and when the trailer moves off the property. Mr. Davenport brought up the ordinance that while you are doing active construction on your home, you may have a trailer on your property and utilize it for living. Mr. Davenport states if Mr. Bales has a contract with confirmed stages of completion, and the steps are being done at the correct timeframe, this ordinance may stand. Mr. Geidner stated he is comfortable keeping the timeframes on track. Mr. Salazar advised if timeline is not honored, then fines will be imposed. If permit is pulled, and the job is being worked on track, the trailer can be allowed on property for up to 120 days. Mr. Davenport states to renew in good faith the 120-day trailer timeline as long as Building Permit is secured. Mr. Power stated a formal application needs to be made for water and electrical to the trailer. Mr. Geidner stated the house should be getting Temp Power for contracting work being done. Mr. Power advised contract will clarify on how Temp Power will be granted towards trailer. Mr. Salazar stated once Building Permit is secured, he is fine with the trailer being on the property.

Discussion of Waste Water between the Board, Mr. Power, Mr. Salazar, Ms. Mannarino and Mr. Bales ensued. Hookup for trailer will be looked at during inspection for Tuesday, 05/30/2023 by Mr. Salazar. Ms. Mannarino clarified that the 120-day allowance for occupying the trailer, once approved by Mr. Salazar, begins on the start date of the issued Building Permit.

Mr. Power advised to the Board that if any dates are breached, the Board will be reconvened to discuss violations and penalties. Mr. Power advised to Mr. Bales that penalties will be in place before the Board meets if this route happens. Building Official has responsibility of determining breach of timeline if the event incurs.

**Motion and seconded by Board Members McGovern and Osier for Mr. Bales and his contractor, Mr. Geidner on creation of expected timeline to the project as specified:**

1. Within 14 days of 05/30/2023 Site inspection, Mr. Bales and Mr. Geidner will pull necessary permits as advised by Mr. Salazar's site inspection. Contract must be signed to do scope of work within this timeframe. If this process takes over 14 days, there will be a \$250 day fine imposed by an Ordinance Officer until permit is pulled.
2. From time of permit pulled, the contractor has 120 days to complete the work. Mr. Salazar will make periodic stops to ensure progression of timeline.

3. If work is stopped or runs into issues, the Board will reconvene to put forth another fine or plan of action.

Mr. Power proposed that the next meeting (undetermined) host a formal election for the positions of the Board. Mr. Davenport suggested an alternate of Jack Keenland.

**ADJOURNMENT:**

Mr. Osier made a motion to adjourn. Mr. Davenport seconded. Meeting adjourned at 16:11.

**Motion Carried.**

Respectfully submitted,  
Caroline Manley  
Recording Secretary



# MEMO

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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:	November 14, 2023

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To the Members of the Construction Board of Appeals (CBA):

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 provided in a **timeline summary** at the end of this report, provide background for the purpose of the Township's actions and the owner's requested appeal. Throughout this time, staff coordinated extensively with and discuss expectations with the property owners.

At this time, the applicant is found to be in violation of one of the conditions of approval from the meeting held on May 24, 2023:

- **Failure to complete the scope of work required for repair within 120 days of a building permit being issued.** The building permit was issued on June 20, 2023 and the permit expired on October 20, 2023 with work not being completed.

The Applicant was ordered to attend the meeting of the CBA that was triggered when noncompliance with the above condition was evident. Based on non-compliance with the above-stated condition, the CBA may proceed with directing Staff to enforce the condemnation and demolition process. They may require the Township to proceed with soliciting bids for demolition of the dwelling and of the detached accessory building at 50955 South Interstate 94 Service Drive. The Township would then proceed as allowed under sections 18-121 to 18-125 of the Van Buren Township Property Maintenance Code to have the dwelling and detached accessory building and related appurtenances removed from the property. The Township will seek restitution for all costs it incurs related to this matter. The CBA may direct Staff to proceed with violation penalties to the extent possible under the Van Buren Township Zoning Ordinance and Van Buren Township Code of Ordinances, Section 18-121, including but not limited to daily fines of not less than \$100.00 nor more than \$500.00, at the discretion of Court.

I have attached a model motion sheet for the CBA's consideration.

Please do not hesitate to contact me at [dpower@vanburen-mi.org](mailto:dpower@vanburen-mi.org) or 734-699-8900, extension 9392 with any questions.

Sincerely,



Dan Power

Director of Planning and Economic Development, Van Buren Charter Township

CC: Angela Mannarino, Gasiorek, Morgan, Greco, McCauley and Kotzian, Attorneys at Law  
Jeremy Kennedy, Pear, Sperling, Egan and Daniels, P.C.  
Christopher Salazar, Van Buren Charter Township Chief Building Official  
Lt. Charles Bazzzy, Van Buren Charter Township Police Department / Ordinance Enforcement

### Timeline Summary

- **January 2020.** Standard post-fire processes occurred, 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.
- **January 27, 2020:** Township staff mailed a field inspection notice advising the homeowner of limits on use of trailer as temporary housing.
- **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.
- **February 4, 2021:** Vision Restoration formally requested cancellation of both the building permit and the demolition permit.
- **May 25, 2021:** The first notice of condemnation for the site's principal dwelling was sent and the property was condemned.
- **August 30, 2021:** The condition of the principal dwelling was re-evaluated and again deemed uninhabitable.
- **September 30, 2021:** The Township sent a second notice of demolition.
- **November 22, 2021:** A new building permit application (PB 21-0736) was submitted by the owner, and the building permit was issued on December 13, 2021. 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.
- **March 24, 2022:** The Township's Building Inspector sent a third notice of demolition for the dwelling.
- **May 9, 2022:** A fourth and final notice of demolition was sent for the dwelling.
- **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.

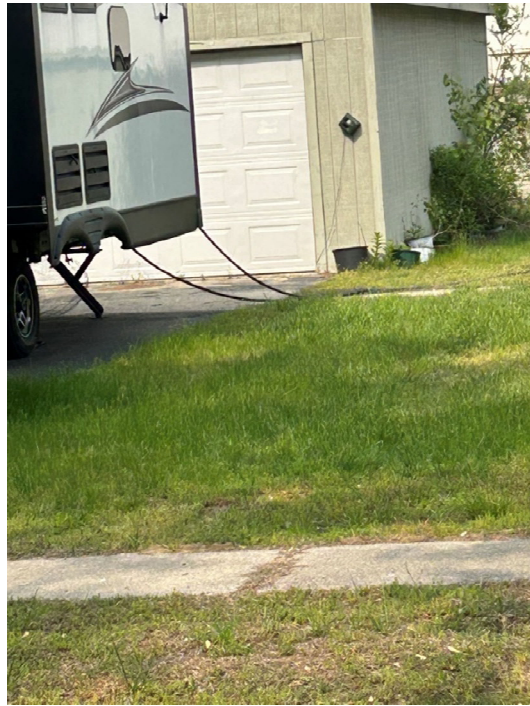
- **June 30, 2022:** The owner, with the assistance of Attorney Jeremy Kennedy of Pear Sperling Eggan & Daniels, applied for relief from the CBA. This application provided a justification for their appeal in the application packet. This explanation contained a timeline which included various delays and contractor disputes in the construction process and the medical issues and unfortunate death of the previous co-owner of the property, Kimberly Bales.
- **September 21, 2022:** The CBA met to discuss the request and adjourned the meeting to allow additional time for a report to be provided by the Township's Building Inspector and for the applicant to attend a meeting in person.
- **October 26<sup>th</sup>, 2022:** The CBA held a second meeting to review the applicant's request for relief from the requirement to demolish the principal dwelling and detached accessory building located at 50955 South Interstate 94 Service Drive (parcel ID 83-074-01-0028-008), following an initial meeting on September 21<sup>st</sup>. At this meeting, the CBA voted to adjourn their decision and to give you additional time and to address certain items. Within 30 days of this meeting, by November 26<sup>th</sup>, 2022, you were ordered to do the following:
  - Remove the travel trailer's skirting, install the tires, and move the trailer onto the concrete driveway in front of the garage.
  - Obtain an architect, solicit construction bids, and secure demolition permit from the Van Buren Township Building Department.
  - Complete demolition of back of house addition, clean-up debris on property, and weather/critter-proof house, including plastic sheeting, plywood and house wrap.
  - During this timeframe, you are required to reside offsite for safety purposes.
- **November 16, 2022:** A letter was sent to the applicant which explained these conditions and explained that failure to meet them within the required timeframe would result in the reinstatement of the condemnation processes on the principal dwelling and accessory garage.
- **December 2, 2022:** An inspection by the Township Building Official that revealed that at that time you had relocated the trailer, placed the wheels back on the trailer, and obtained a demolition permit from the Building Department for the demolition of the rear addition to the principal dwelling. At that time, plastic wrap had also been installed along the rear of the dwelling. You were advised that the seal will need to be improved to weatherproof the remaining dwelling adequately.
- **December 13, 2022:** The Township's Building Inspector observed that the trailer appeared to be connected to the principal dwelling and that demolition work had not adequately commenced.
- **December 26, 2022:** The applicant was required to provide sealed set of drawings approved by Township Building Department and have a signed contract with a contractor to include a detailed construction timeline. **These items were not completed by that time.**
- **February 9, 2023:** Staff began communicating directly with the contractor your Attorney had indicated would be working on your project, David Geidner of Top Flight Contracting, Inc. Staff again attempted to reach you. Staff discussed your pending construction directly with Mr. Geidner on February 13<sup>th</sup> and on March 2<sup>nd</sup>.

- **April 10, 2023:** Mr. Geidner indicated that a contract had been signed on March 20<sup>th</sup>, however, no contract and no plans have been provided to the Township as of today's date.
- **April 25, 2023:** A letter was sent informing the applicant that the property is in violation of two conditions of the postponement of consideration of the appeal by the CBA on October 26<sup>th</sup>, 2022:
  - **Failure to submit a sealed set of drawings approved by Township Building Department and have a signed contract with a contractor, including a detailed construction timeline.**
  - **Failure to reside offsite.**
- **May 8, 2023:** The Building Official placed a new condemnation sticker on the detached garage.
- **May 23, 2023:** The applicant contacted the Planning and Economic Development Director via phone to discuss his grounds for delays. The Planning and Economic Development Director advised the applicant to document all of his efforts in writing for presentation to the CBA and to have his contractor ready to begin work at this meeting. The Building Official and Code Enforcement Officer visited the site.
- **June 20, 2023:** A building permit (PB23-0276) was issued to Top Flight Services, Inc. for reconstruction of the existing home. Three progress inspections were completed. During the first inspection on July 20, 2023, it was verified that the trailer on site was properly connected to water and sanitary lines. Progress inspections were discontinued after the third inspection on August 17, 2023 when no work was evident.
- **July 6, 2023:** A mechanical permit was issued to Haley Mechanical to replace the home's furnace and air conditioner. No inspections were requested or completed under this permit.
- **July 17, 2023:** An electrical permit was issued to Anthony Spencer for a 100 amp service change and to wire the house to code. No inspections were requested or completed under this permit.
- **October 20, 2023:** Building permit PB23-0276 expired after 120 days of no activity.

#### Photographs from 5/23/2023 Site Visit





















**NOTICE OF SPECIAL MEETING**  
**OF THE**  
**CHARTER TOWNSHIP OF VAN BUREN**  
**Construction Board of Appeals**

**MEETING TO BE HELD AT 3:00 P.M.**  
**ON WEDNESDAY, NOVEMBER 15, 2023**  
**For the purpose of:**

**Evaluating compliance regarding conditions of a decision by the Construction Board of Appeals on May 24, 2023 regarding a condemnation notice posted for structures at 50947-50955 South Interstate 94 Service Drive by the Building Official and consider 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 meeting is based upon the provisions set forth in Sections 18-4 to 18-30 of the Charter Township of Van Buren Code of Ordinances.**

**VAN BUREN 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**

11-14-2023

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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.

- (b) *Alternative materials, methods, and equipment.* The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.
- (c) *Required testing.* Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction.
  - (1) *Test methods.* Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall approve the testing procedures.
  - (2) *Testing agency.* All tests shall be performed by an approved agency.
  - (3) *Test reports.* Reports of tests shall be retained by the code official for the period required for retention of public records.
- (d) *Material and equipment reuse.* Materials, equipment, and devices shall not be reused unless such elements are in good repair or have been reconditioned and tested when necessary, placed in good and proper working condition and approved.

(Ord. No. 5-16-00, eff. 6-15-00)

## **Sec. 18-121. Violations.**

- (a) *Unlawful acts.* It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.
- (b) *Notice of violation.* The code official shall serve a notice of violation or order in accordance with section 18-122.
- (c) *Prosecution of violation.* Any person failing to comply with a notice of violation or order served in accordance with section 18-122 shall be deemed guilty of a misdemeanor, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.
- (d) *Violation penalties.* Any person who shall violate a provision of this code, shall, upon conviction thereof, be subject to a fine of not less than \$100.00 nor more than \$500.00 or imprisonment for a term not to exceed 90 days or both at the discretion of the court. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
- (e) *Abatement of violation.* The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to restrain, correct or abate a violation, or to prevent

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illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.

(Ord. No. 5-16-00, eff. 6-15-00)

### **Sec. 18-122. Notices and orders.**

- (a) *Notice to owner or to person or persons responsible.* Whenever the code official determines that there has been a violation of this code or has grounds to believe that a violation has occurred, notice shall be given to the owner or the person or persons responsible therefore in the manner prescribed in subsections (b) and (c) of this section. Notices for condemnation procedures shall also comply with subsection (c) of this section.
- (b) *Form.* Such notice prescribed in subsection (a) above shall:
  - (1) Be in writing;
  - (2) Include a description of the real estate sufficient for identification;
  - (3) Include a statement of the violation or violations and why the notice is being issued;
  - (4) Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code;
  - (5) Inform the property owner of the right to appeal.
- (c) *Method of service.* Such notice shall be deemed to be properly served if a copy thereof is:
  - (1) Delivered personally;
  - (2) Sent by certified or first-class mail addressed to the last known address; or
  - (3) If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice.
- (d) *Penalties.* Penalties for noncompliance with orders and notices shall be as set forth in subsection 18-121(d).
- (e) *Transfer of ownership.* It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

(Ord. No. 5-16-00, eff. 6-15-00)

### **Sec. 18-123. Unsafe structures and equipment.**

- (a) *General.* When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.
  - (1) *Unsafe structures.* An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or

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is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

- (2) *Unsafe equipment.* Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.
- (3) *Structure unfit for human occupancy.* A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.
- (4) *Unlawful structure.* An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.
- (b) *Closing of vacant structures.* If the structure is vacant and unfit for human habitation and occupancy and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource.
- (c) *Notice.* Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with subsection 18-122(c). If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in subsection 18-122(b).
- (d) *Placarding.* Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.
- (e) *Prohibited occupancy.* Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by this code.
- (f) *Removal of placard.* The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code.

(Ord. No. 5-16-00, eff. 6-15-00)

## **Sec. 18-124. Emergency measures.**

- (a) *Imminent danger.* When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the

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presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

- (b) *Temporary safeguards.* Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding-up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.
- (c) *Closing streets.* When necessary for the public safety, the code official shall temporarily close structures and close, or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.
- (d) *Emergency repairs.* For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.
- (e) *Costs of emergency repairs.* Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises where the unsafe structure is or was located for the recovery of such costs.
- (f) *Hearing.* Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in this code.

(Ord. No. 5-16-00, eff. 6-15-00)

## **Sec. 18-125. Demolition.**

- (a) *General.* The code official shall order the owner of any premises upon which is located any structure, which in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.
- (b) *Failure to comply.* If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.
- (c) *Salvage materials.* When any structure has been ordered demolished and removed, the governing body or other designated officer under said contract or arrangement aforesaid shall have the right to sell the salvage and valuable materials at the highest price obtainable. The net proceeds of such sale, after deducting the expenses of such demolition and removal, shall be promptly remitted with a report of such sale or transaction, including the items of expense and the amounts deducted, for the person who is entitled thereto, subject to any order of a court. If such a surplus does not remain to be turned over, the report shall so state.

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(Ord. No. 5-16-00, eff. 6-15-00)

**Sec. 18-126. Means of appeal.**

- (a) *Application for appeal.* Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the township construction board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means, or that the strict application of any requirement of this code would cause an undue hardship.
- (b) *Board of appeals.* Appeals to actions taken by the township shall be heard by the township board of construction appeals.
- (c) *Postponed hearing.* When the full board is not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.
- (d) *Board decision.* The board shall modify or reverse the decision of the code official only by a concurring vote of a majority of the total number of appointed board members.
  - (1) *Records and copies.* The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the code official.
  - (2) *Administration.* The code official shall take immediate action in accordance with the decision of the board.
- (e) *Court review.* Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.
- (f) *Stays of enforcement.* Appeals of notice and orders (other than imminent danger notices) shall stay the enforcement of the notice and order until the appeal is heard by the appeals board.

(Ord. No. 5-16-00, eff. 6-15-00)

***DIVISION 2. DEFINITIONS***

**Sec. 18-127. General.**

- (a) *Scope.* Unless otherwise expressly stated, the following terms shall, for the purposes of this code, have the meanings shown in this chapter.
- (b) *Interchangeability.* Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.
- (c) *Terms defined in other Codes.* Where terms are not defined in this code and are defined in the International Building Code, International Fire Code, International Zoning Code, International Plumbing Code, International Mechanical Code, ASME A17.1 or the *ICC Electrical Code*, such terms shall have the meanings ascribed to them as in those codes.
- (d) *Terms not defined.* Where terms are not defined, through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

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(Supp. No. 14)





**Motion: Request to CBA regarding 50947-55 South Interstate 94 Service Drive**

I make a motion to (approve / *deny*) the request by Wain Bales for an extension and stay of enforcement to allow additional time for a permit application to be made and work to be completed as necessary to make the single-family dwelling at the referenced property habitable in accordance with the 2015 Michigan Residential Code and applicable codes and ordinances.

If the request is *denied*, the CBA directs Staff to enforce the condemnation and demolition process. They will require the Township to proceed with soliciting bids for demolition of the dwelling and of the detached accessory buildings at 50947-55 South Interstate 94 Service Drive. The Township would then proceed as allowed under sections 18-121 to 18-125 of the Van Buren Township Property Maintenance Code to have the dwelling and detached accessory building and related appurtenances removed from the property. The Township will seek restitution for all costs it incurs related to this matter.

This motion is based on the findings of fact listed below:

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**Conditions: Recommended Condition (if appeal is granted):**

Condition: \_\_\_\_\_

Condition: \_\_\_\_\_

Motion made by: \_\_\_\_\_

Support from: \_\_\_\_\_

Ayes: \_\_\_\_\_ Nays: \_\_\_\_\_

Motion carries / **fails**