

**CHARTER TOWNSHIP OF VAN BUREN
BOARD OF CONSTRUCTION APPEALS MINUTES
JULY 8, 2010**

The meeting was called to order by Harlan Davenport at 4:40 p.m. Present: Coppock, Davenport and Osier. Absent excused: Bellomo. Staff Present: Building Official Matthew Forster and Secretary Queener. There were 6 people in the audience.

APPROVAL OF THE AGENDA:

**Motion Coppock, Osier second to approve the agenda of July 8, 2010 with the addition of pictures taken by building Official Forster.
Motion carried.**

APPROVAL OF MINUTES:

None.

CORRESPONDENCE:

None.

NEW BUSINESS

ITEM # 1

**APPLICANT: COBBLESTONE CONDOMINIUMS, LLC
APPEAL: APPEALING ORDER OF DEMOLITION DATED MAY 13, 2010 BASEMENT FOUNDATIONS AT COBBLESTONE RIDGE VILLAS.
LOCATION: SITE IS LOCATED OFF WEST HURON RIVER DRIVE, BETWEEN HOEFT ROAD AND ELWELL ROAD.**

Building Official Forster stated an order of demolition date May 13, 2010 was sent to the Cobblestone Condominiums LLC for the removal of basement foundations for Buildings one, two, five, six, nine, and eleven. The basement foundations were installed in 2005 and have been deemed abandoned, dangerous, unsafe, and otherwise unfit for human occupancy. Van Buren Township Ordinances require all vacant structures and land shall be maintained in a clean, safe and sanitary condition as to not cause a blighting problem or adversely affect the public health and safety.

The determination was based on the following observations during an inspection conducted on May 5, 2010.

1. The said structures have not been maintained and as a result they have become so damaged, decayed, and dangerous that they are unfit for human occupancy.
2. There is standing water in most of the basement foundations causing a drowning hazard for anyone that could fall into the basement foundations. The straw covering the entire floor is rotting causing a fowl smelling odor.

- Furthermore, the standing water is becoming a breeding ground for mosquitoes which are known to be carriers of disease.
3. Freezing temperatures over the winter months have caused damage to the foundations, there are visible signs of frost heaving the foundations, causing large cracks in the concrete walls.
 4. All permits expired in 2005 and 2006 with the last recorded inspection taking place on 11-1-05; therefore this job has been deemed abandoned.
 5. The orange fencing that was placed around the foundations has not been maintained and is falling down and causing a blighting problem.
 6. Construction material and debris spread throughout the site has caused further blight and must be removed.

The applicant's attorney McDonald Hopkins PLC, responding to the certified mailing of the order of demolition, stating the order of demolition was mailed to an incorrect address, which delayed the applicant's response. Mr. Forster explained the order was mailed to the address of record, if the applicant has changed location they have not contacted the Township Assessing Office with the change, Mr. Forster further explained the site was posted, before he was back in the office someone from the applicants office called regarding the order.

Joe Paluzzi the applicant stated due to the economy they have been unable to move forward with the project, they thought they would be through building. Mr. Paluzzi stated the foundations are not to the point of demolition according to their engineer from Jaeger Engineering

Mr. Davenport inquired about why the foundations where not maintained, why they built all of the basements at one time and stated Mr. Paluzzi needed to protect the community from such a hazard.

Mr. Paluzzi stated at the time the basements where construction, sales was at a high, and they thought they would be sold within in two years. Then the economy dropped and at this time the real estate market dropped, he also stated their was protected fencing installed, they have also had concerns with the residents not paying their association fees, which is why the electrical is disconnected and they do not have sump pumps in the basements. Mr. Paluzzi proposed to install a 6 foot chain link fence around the basements and they would maintain the weeds.

Mr. Davenport stated the site is an eye sore, and inquired how they expected to sell any homes, with the subdivision in the condition that it is in, and asked why Mr. Paluzzi did not come to the Township and explain what his solution would be and why it has come to where we are now.

Mr. Forster stated he spoke with the subdivision superintendent Michael Abraham regarding the issues many times, they did installed orange fencing which was not maintained. The applicant pulled all the basement permits at one time to bet the increase in water that was going to happen in January of 2006.

Mr. Coppock stated he did not want to create additional hardship to the applicant but he does want fencing installed and landscaping and the blight issues taken care of.

Bob Marion resides at 13535 Christina Lane, stated the site has been in the condition that is it currently in for four years and it is not acceptable, there is a 11,000 dollar outstanding electrical bill and that is why the pumps are not working. The track record of the developer is not good; there are only three residents that will not pay their association fees because of the conditions of the subdivisions. There have been animals that have fallen into the basements; there are children in the subdivision that could fall into them as well.

Theresa Marion resides at 13535 Christine Lane stated the lawns have not been cut they had to purchase lawn mowers to cut that grass that is to be maintained by the association.

Elroy Szabo resides at 13508 Christina Lane asked that the request appeal be denied, stating Mr. Paluzzo has had plenty of time to comply with all of the issues and has failed to correct any of them.

Mr. Osier, stated the applicant has not addressed the appeal and inquired what his solution was to the problem.

Mr. Paluzzi stated he would install the fencing, and grass as the board requested.

Motion Coppock, Osier second to grant the appeal of demolition to the basement foundations at Cobblestone Ridge Villas, the applicant has 30 days to comply with the following conditions:

- 1. Installing a 4 ft vinyl coated chain link fence around Building 1 and 2 with locked access gates.**
- 2. Balance of basement install 4 ft chain link fence with locked gates.**
- 3. Fences are to be seven to 8 feet away from foundation.**
- 4. Plant grass in bare areas, plant some shrubs to beautify the site.**
- 5. Drain the water from the basements, install and maintain pumps.**
- 6. Remove all construction debris and blight issues on the site.**
- 7. Maintain all grass on the site including inside the fenced area, cut and trim.**

Motion carried.

ITEM # 2 ELECTION OF OFFICERS.

Mr. Coppock motion, second Oiser to nominate by acclamation Harlan Davenport Chairperson.

Motion carried.

ITEM # 3

Mr. Forster explained that the township discovered that the Clerk's Office does not have a current set of Rules of Procedure for Appeal on file. To ensure the Board acts consistently for all appeals, we need to adopt updated Rules of Procedure for hearing of the appeals including application criteria, fees, and order of business, and asked the Board members if they had any concerns, or additions to the proposed Procedures.

Motion Coppock, Davenport second to approve the Rules of Procedure for Appeals as presented.

Motion carried.

ADJOURNMENT

Motion Coppock, Davenport second to adjourn at 6:25 p.m.

Motion carried.

Respectfully submitted,

Patricia Queener,
Recording Secretary