

PROPERTY MAINTENANCE BOARD OF APPEALS
MINUTES

March 24, 2009

Meeting called to order at 7:00 p.m. with Chairperson Ralph Manting presiding.

Board members present:

Chris Jacobs (arrived at 7:05)
Ted Johnson
Jeff Joseph
Ralph Manting

Board member absent:

Donald McDonald

Staff Present:

Mark Gifford, Director of Neighborhood Services
Eric Williams, City Attorney
Scott Mroz, Fire Marshal

Approval of Minutes from regular meeting of February 24, 2009

A motion for approval of the minutes was made by Ted Johnson, and seconded by Jeff Joseph. The motion was put to a vote and carried with unanimous support from all members.

Public Comment:

No public comments were noted during this meeting.

General Business:

Request from Frank and Ruth York

A request was made from Frank and Ruth York regarding qualifications of the Property Maintenance Board of Appeals members. Mr. Williams directed Mr. and Mrs. York to bring their challenges to the Board at the March 24th meeting. Mr. Williams also recommended that the board entertain the motion that member qualifications and board make-up be denied due to the absence of the Yorks.

Motion

Ted Johnson moved, seconded by Chris Jacobs that due to the absence of the Yorks, their challenge of board members qualifications and the make-up of the board be denied.

Mr. Manting questioned if the York's had been notified. Mr. Williams stated that they had and that they waived their opportunity to pursue their challenges to board members qualifications and the make-up of the board. Mr. Mroz stated that he called Mrs. York and

she stated that she did not feel comfortable challenging the boards qualifications in person and she would not be attending the March hearing.

The motion was put to a vote and carried with unanimous support from all members.

Public Hearing

Appeal #02-2008 request from Joe and Mary Bechaz for a variance or modification of the International Property Maintenance Code 2006 edition on parcel #17-14-176-011, 425 Oak Street Big Rapids concerning the installation of nonexistent basement egress windows in apartment numbers three (3) and five (5).

Mr. Williams commented that the Bechaz's are not present at this hearing and that it appears that they are not pursuing their appeal. Ralph Manting received an e-mail from Mr. Bechaz regarding this meeting. The letter follows:

3/20/09
Joe and Mary Bechaz
8613 Wilson Road
Rodney, Mi. 49342

Ralph,

Congratulations on being selected Chairman of the Appeals Board. You will probably have some challenging times. I am Chairman of the County Building Board of Appeals and I know it can be a big responsibility.

To the point, my wife Mary and I are writing you to inform you of our cancelation of the meeting on the 24th of March 2009. We are sending you a packet of material regarding our rental inspections and other correspondence concerning issues about the interpretations of the codes by Scott Mroz. I will not get into all of the specifics of our concerns at this time. We informed Scott in a letter in response to our inspections for information that we were requesting, **before** a date for an appeals hearing was set. I am sure he informed you of this, because like the rules say "the board shall meet upon notice of the chairman". That is part of our problem we did not get the information for over 2 months, as you can see in the material we are sending you (request 1/16/09 –received info 3/18/09). Plus we have asked for more. With such a short time to go over the information and get a response and opinion from some of the different officials and organizations that are helping us through this process we will not be ready for the date that was set. Also Scott informed us that he and Eric Williams (city attorney) are willing to meet with us to discuss some of our issues. There are many other interested parties that have very strong feeling and issues with the way these codes are being interpreted and enforced, not just in Big Rapids but other places as well. I am trying to get a meeting set up, which may be hard to do because of the logistics of getting everyone together at the same time. If we can, it may settle some of our local issues that have cost people hundreds of thousands and dollars and continue to do so.

One last thing, if we ask for another date for an appeal we may be requesting a hearing with Frank and Ruth York at the same time. We have the same issues and Scott has cited the same violations. Scott does not believe there would be enough time in one evening , but from my experience on various boards there would be ample time as the questions that need to be answered are the same.

Ralph, thanks for your understanding. If you need anything from us, let me know.
Again thanks Joe and Mary Bechaz

Mr. Williams questioned if Mr. Manting had responded to the letter. Mr. Manting stated that he informed Mr. Bechaz that he as the Chair did not have authority to cancel a meeting and the board would vote on it tonight.

Mr. Williams gave a few options in regards to Mr. Bechaz's request to cancel the hearing:

1. Interpret that as such and grant the request.
2. Deny the request and proceed in their absence.

Mr. Johnson commented that maybe the board should do a postponement because that is what the board did for the Yorks and we should treat this the same way. It was also stated that each appeal is on its own merit and should be treated as such. Mr. Johnson also commented that both cases are using the grandfathering clause and we would be setting a precedent in granting a postponement, but they need to treat appeals the same.

Mr. Williams stated that the board can deny and act on the appeal. He recommends that the board do them separately. The Bechaz's can continue to rent until the issue is resolved. The question was raised as to whether or not the application fee was paid. Mr. Williams stated that the board could grant a conditional adjournment with fee paid.

MOTION

Chris Jacobs moved, seconded by Ted Johnson, to deny postponement of tonight's hearing on the appeal of Joe and Mary Bechaz.

Yeas: Jacobs, Johnson, Manting

Nays: Joseph

MOTION

Chris Jacobs moved, seconded by Ted Johnson to deny Joe and Mary Bechaz's appeal for failure to show at tonight's hearing.

Yeas: Jacobs, Johnson, Joseph, Manting

Nays: None

Mr. Williams stated that he would prepare a document for the Chair to sign informing the Bechazs' of the boards' decision.

The application fee was questioned again. Mr. Williams stated that the fee has to be paid before filing for an appeal. Mr. Manting asked if a more flexible fee schedule should be used and Mr. Williams stated no.

There being no further business to come before the Property Maintenance Board of Appeals, the meeting was adjourned at 7:41 p.m.

Respectfully submitted,

Mark Gifford
Acting Secretary