



DEPARTMENT OF PLANNING AND NEIGHBORHOOD DEVELOPMENT

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BUILDING SAFETY OFFICE

Virg Bernero, Mayor

OFFICIAL PROCEEDINGS OF THE CITY OF LANSING BUILDING BOARD OF APPEALS

Held at 316 N. Capitol Ave. at 2:00 pm
December 12, 2017

The December 12, 2017 meeting of the City of Lansing Building Board of Appeals was called to order at 2:00 PM. by Chairman Don Heck. The following members were in attendance:

Don Heck, Chairman
James Drake, Vice Chairman
Tom Knoy
Stephanie Space

Members Absent: None

Staff Present: Jim Bennett, Building Safety Manager
Brandon Waddell, City Attorney
Scott Sanford, Code Enforcement Manager

Petitioners Present: Jon Addiss, Owner
Miranda Stevens, Tennant
Kevin Stevens, Tennant

Public Present: None

Chairman Don Heck (HECK) asked for the approval of the October 24, 2017 meeting minutes. James Drake (DRAKE) made a motion to approve the minutes. Motion seconded by Tom Knoy (KNOY). Motion carried unanimously.

Old Business: None

New Business:

<u>Case No.:</u>	<u>Address:</u>	<u>Petitioner:</u>
BBA-004-2017	1034 Lathrop St.	Jon Addiss

(These minutes of the Building Board of Appeals are not intended to be a transcript.)

Jon Addiss (ADDISS) asks what housing violation code is being violated.

Scott Sanford (SANFORD) 1460.44a failure to register a rental property with the City of Lansing.

ADDISS states he sold the property on a land contract. A copy of the transfer affidavit and principal residence exemption affidavit states the Stevens own the house.

SANFORD states the City Assessor will not accept the paper work that ADDISS submitted. A land contract must be submitted.

ADDISS states that state law only requires that a copy of the transfer affidavit and principal residence exemption affidavit be submitted for the sale of a building. The Assessor changed it last year that they also want a recorded land contract. Later, the Assessor says an unrecorded land contract is acceptable.

HECK states that the real issue ADDISS has is not with Code Enforcement but with the Assessor's Office.

Brandon Waddell (WADELL) states that the Assessor as a department head has the authority to decide what protocols she wants to use. I do not think this Board has the authority to tell the Tax Assessor how to decide protocol.

Jim Bennett (BENNETT) SANFORD is obligated to send out the Failure to Comply Letter due to the fact the City Assessor says it is not owned by the occupants. ADDISS is now in some form of legal jeopardy with the Code Enforcement Office and wants a ruling from the Board. Secondly, if ADDISS wants to go to circuit court the first thing that will be asked of ADDISS is if he has exhausted his administrative remedy; which is the Board of Appeals. Therefore, he needs to go through this step in order to preserve his right to sue in court.

HECK states that the Board's decision would not necessarily affect the decision of the Assessor.

SANFORD states that the Board could not pass a ruling for him to disregard a law.

HECK states that they are not the ones to determine if it is a rental property. The Assessor's Office is the driving force and will make the final decision.

WADELL agrees with HECK and his assessment. The payment being made to ADDISS is in effect rent due to the fact that the Assessor's Offices views ADDISS as the owner. The fact that this is being brought in front of the Board gives ADDISS the authority to move forward in court.

ADDISS wants the Board to declare that it is not a rental.

Kevin Stevens says there is a sticker on his door stating they have to vacate the house on December 17, 2017.

SANFORD states that filing a court action would freeze the notice to vacate, or he could give a 30 day extension.

ADDISS asks WADDELL if he would talk with the assessor and review this situation.

WADELL states he will check avenues within his department and find a directive.

ADDISS asks the Board to table this for 30 days.

KNOY makes motion to table the appeals request.

DRAKE supports.

Motion carried unanimously.

Other Business: None

Public Comment: None

KNOY makes a motion to adjourn.

DRAKE supports.

Motion carried unanimously.

Respectfully submitted,



Jonathon Snyder, Chief Plan Review Analyst

Draft date: 12/22/17
Approved date: 01/09/18

cc: Mayor's Office
City Clerk's Office
Appeal folders
Public file - original

Board Secretary
Building Safety Office Staff Representatives
Appeal applicants