

# CITY OF MARINE CITY

## Dangerous Building Board of Appeals Meeting Agenda

Marine City Municipal Offices, 260 South Parker Street

Wednesday, April 5, 2023; 6:00 PM

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1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL:** Board Members Graham Allan, Jacob Bryson, John Paulun; James Turner; Building Official Tracy Kallek; Interim City Manager Jim Heaslip
4. **APPROVE AGENDA**
6. **PUBLIC COMMENT** *Anyone in attendance is welcome to address the Board. Please state name and limit comments to five (5) minutes.*
7. **APPROVE MINUTES**
  - A. Dangerous Building Board of Appeals – January 4, 2023
8. **PUBLIC HEARINGS**
  - A. 135 N 6<sup>th</sup> Street
  - B. 172 Bruce Street
9. **UNFINISHED BUSINESS**
  - A. Report of Progress – 610 Bruce St.
  - B. Report of Progress – 521 Washington Street
  - C. Report of Progress – 135 North 6<sup>th</sup> Street
  - D. Report of Progress – 172 Bruce Street
10. **NEW BUSINESS**

None.
11. **ADJOURNMENT**

**City of Marine City  
Dangerous Building Board of Appeals  
January 4, 2023**

A regular meeting of the Dangerous Building Board of Appeals was held on Wednesday, January 4, 2023 at 260 S. Parker Street, Marine City, MI 48039 and was called to order at 6:00 pm by Chairperson Graham Allan.

**Present: Chairperson Graham Allan, Board Members Jacob Bryson, James Turner, John Paulun; Building Official Tracy Kallek; City Manager Holly Tatman; City Clerk Shannon Adams**

Also Present: City Attorney Robert Davis

**Approve Agenda**

Motion by Board Member Turner, seconded by Board Member Paulun, to approve the Agenda. All Ayes. Motion Carried.

**Presentation**

City Attorney Robert Davis made an educational presentation related to the role and powers of the Dangerous Building Board of Appeals with reference to an Opinion he drafted outlining the process the Board is to follow.

**Public Comment**

None.

**Approve Minutes**

Motion by Board Member Turner, seconded by Board Member Bryson, to approve the Minutes of the Dangerous Building Board of Appeals Meeting of October 5, 2022. All Ayes. Motion Carried.

**Unfinished Business**

610 Bruce Street

City Clerk Adams reported she had been in contact with Kathy Wozniak, the realtor handling the matters related to the property on behalf of Fannie Mae, the owners of the property. She reported that upon returning to the office after the New Year holiday, she had received a copy of a demolition permit for S.A. Torrello to demolish the property and, from her discussion with Ms. Wozniak, she learned there was an intent to replace the sidewalks on the property in Spring 2023.

Motion by Board Member Bryson, seconded by Board Member Paulun, set the matter aside until April 5, 2023 meeting at which time a status report will be requested from the property owner. All Ayes. Motion Carried.

#### 521 Washington

City Clerk Adams reported that she had been in consistent contact with the next-of-kin of the deceased property owner, Kevin Cole. She stated that they were working with Easter Law of Port Huron and were waiting on being named personal representatives of the estate and their letters of authority to address the interior of the home. She stated that she had been provided with photographs of the exterior of the home and great progress had been made, transforming the grounds of the property from what looked like a jungle to a neat, tidy yard. The photographs also showed that the junk cars had been removed from the property. She informed the board that the next-of-kin indicated there were local residents who were keeping an eye on the property for them and would make sure the sidewalks were cleared of snow and ice through the winter and that they expected to address the interior condition of the home in approximately March of 2023.

Motion by Board Member Allan, seconded by Chairperson Turner, to obtain a status update from the personal representatives of the estate for the April 5, 2023 meeting. All Ayes. Motion Carried.

#### **Public Hearing**

##### 135 N. Sixth Street

Building Official Tracy Kallek reported that the property had been on the agenda since July at which time he was supposed to be invited into the property within 10 days of the meeting to assess the condition of the inside of the home. Instead, a letter was received by the City from the property owner, Dominic Breloski, stating he would be demolishing the structure on the property. Building Official Kallek stated he had given Mr. Breloski some guidance related to the demolition process, but that Mr. Breloski indicated a desire to hire 2 different contractors, one to disconnect the water and sewer and one to take the house down, which was unnecessarily time consuming; that one contractor could handle both tasks at the same time. He recommended the structure be demolished, on the City's timeline if necessary.

Motion by Board Member Bryson, seconded by Board Member Paulun, to open the Public Hearing regarding 135 N. Sixth Street at 6:35 P.M. All Ayes. Motion Carried.

Joe Treadway, son of the property owner, spoke on behalf of Mr. Breloski and the property at 135 N. Sixth Street. He indicated Building Official Kallek informed them the building was unsafe, despite not being inside and that the property was unoccupied. He stated his opinion that

the issues that Building Official Kallek reported as unsafe had been addressed. He stated that he and Mr. Breloski had evaluated the situation related to the house and decided to move forward with demolition, and that the natural gas and electrical services had been abandoned, and that the water and sewer service had also been disconnected. Mr. Treadway stated that he and Mr. Breloski were in the process of taking bids to have the home demolished.

Dominic Breloski, the property owner, stated he decided to demolish the house, but had been delayed the contractor who had been hired to disconnect the water and sewer service had lost his father. He indicated he had sent a letter to the City Clerk advising that he had the gas and electric company disconnected. (Following this statement, he handed copies of the disconnect letters from DTE and Semco to the City Clerk which were dated August 2022.) He assured the Board he would have the house demolished but stated the process takes time and money and indicated he had gotten three estimates. He advised he would like to remove the things that he had recently installed in the house and listed the furnace, hot water heater, 2 doors, the aluminum siding, and suggested he wanted to tear off the new roof.

Chairperson Allan closed the Public Hearing at 6:45 p.m.

City Clerk Adams reminded the Board of the timeline since the matter first came before them in July which included a failure by Mr. Breloski to arrange a walk-through of the structure with Building Official Kallek to assess the property, then, once he sent his letter indicating his desire to demolish the structure, there had been a failure to provide the City with the letters of proof of disconnect of services from DTE and Semco, or to prove his contract with his chosen demolition contractor despite several requests to do so. And there had been a significant delay in getting the water and sewer disconnected, despite DPW Superintendent Itrich having marked the lines and explained the process at least twice.

Chairperson Allan inquired of Mr. Breloski how long it would take him to remove the items he desired to keep out of the home. Mr. Breloski stated 30 days which included the furnace, hot water heater, 2 doors, and anything additional he determines of value, and that the siding and roof would come off immediately before the demolition.

Board Member Turner inquired when Mr. Breloski had received his estimates for demolition. Mr. Breloski replied he had just received the estimates. Board Member Turner inquired how soon he would select one of those three estimates and get the job scheduled. Mr. Breloski suggested May of 2023. Mr. Treadway interjected that the sewer and water had just been disconnected the previous week and they had additional bids they were taking on the job and once they had those bids and had selected one, they would provide the City with that information.

Motion by Board Member Paulun, seconded by Board Member Bryson that prior to the next scheduled meeting on April 5, 2023 that Mr. Breloski is to remove all desired contents, to select a licensed and insured contractor for demolition, and prior to that demolition to obtain a demolition permit from the City; and that the structure of the house will be demolished by May 1, 2023. Roll Call Vote: Ayes: Allan, Bryson, Paulun, Turner. Nays: None. Motion Carried.

## **Public Hearing**

### 172 Bruce Street

City Attorney Davis inquired if the property owner was notified of the hearing. City Clerk Adams reported she had sent notice via certified mail to the property owner and that upon checking the tracking number for the certified letter, she learned delivery had been attempted twice and had been refused twice, once on December 21 and again on December 23. Building Official Kallek reported that he had posted proper and timely notice on the door at the subject address of 172 Bruce Street.

Motion by Chairperson Allan, seconded by Board Member Paulun, to open the Public Hearing regarding 172 Bruce Street at 7:11 P.M. All Ayes. Motion Carried.

*Noted for purposes of the record: Property owner of record Jennifer Kinnie was not in attendance nor did anyone appear on her behalf as her appointed representative related to this matter.*

Chairperson Allan closed the Public Hearing at 7:11 P.M.

Building Official Kallek reported he had conversations with Ms. Kinnie related to the importance of a home being dry and thereby requiring a roof that prevents water from coming in. She had previously been asked to prove a quote by a roofing contractor, however had not specifically been ordered to hire that contractor and have the roof put on. He indicated the roof was in terrible shape, there were inadequate stairs leading up to the front door. He stated one set of stairs had since been removed and the guard rail was left off. The remaining stairs permitting front door access, in his judgment, would not support his weight, thus presenting a danger to anyone attempting to gain ingress to or egress from the property. Building Official Kallek reported additional concerns related to penetrations into the building that needed to be repaired to stop entry by vermin which including but was not limited to riding the home of vermin, then fixing holes, caulking, and also painting of the exterior of the home.

Motion by Chairperson Allan, seconded by Board Member Bryson, noting that the owner has continued to ignore the status of her property allowing further deterioration to continue with no meaningful progress to remedy the dangerous conditions, that by the April 5, 2023 meeting, the

owner is hereby required to fix the following things with full compliance with City Ordinances, State Building Code and necessary permitting to make the property safe: have a new roof put on the home, replace any and all stairs that currently exist to the porch, replace the guard rail(s), rid the home of vermin by making repairs to the exterior of the home as necessary to accomplish this task, and to paint/caulk the exterior of the home. **Roll Call Vote:** Ayes: Allan, Bryson, Paulun, Turner. Nays: None. Motion Carried.

### **New Business**

None.

### **Adjournment**

Motion by Board Member Paulun, seconded by Board Member Turner, to adjourn at 7:20pm. All Ayes. Motion Carried.

Respectfully submitted,

Shannon M. Adams  
City Clerk

March 20, 2023

Dangerous Building Board of Appeals  
ATTN: City Clerk  
260 S. Parker St.  
Marine City, MI 48039

RE: In the matter of: The Estate of Kevin Cole  
Case Number: 23-0109-01-DE

Dear Dangerous Building Board of Appeals:

Please accept this letter as a status update for your next meeting scheduled on or about April 5, 2023, on behalf of Brenda Vervaecke & Tim Mancell, Personal Representatives for the Estate of Kevin Cole as related to the property at 521 Washington St., Marine City, MI 48039.

The Personal Representatives received their Letters of Authority, as attached, on March 7, 2023, from the Saint Clair County Probate Court.

As you know, Ms. Vervaecke and Mr. Mancell live in Canada and have been waiting for better weather to travel to Marine City to continue to manage the issues related to the house. Now that Spring has arrived, they requested I inform you that they will be making arrangements to have the home cleaned out by hiring a service specializing in such situations such as theirs. We will continue to provide progress reports as we work through this matter during the pendency of the probate process.

If you have any questions or would like to discuss this matter, please give our office a call at 810-824-4520.

Very truly yours,



Shannon Adams  
Paralegal/Case Manager  
Easter Law, PLLC

Enclosure(s)

Estate of KEVIN COLE, DECEASED

TO: 

Name and address BRE, NDA VERVAECKE & TIM MANCELL  121 HIRMAN ST. WALLACEBURG, ON., CA. N8A2R8 15 JOHNSTONE PO BOX1060 WALKERTON, ON., CA. N0G2V0
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Telephone no. 519-627-3190, 518-881-1724
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You have been appointed and qualified as personal representative of the estate on 03-07-2023. You are authorized to perform all acts authorized by law unless exceptions are specified below. Date

☐ Your authority is limited in the following way:

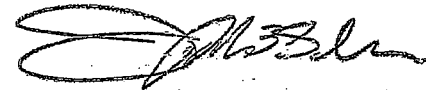
☐ You have no authority over the estate's real estate or ownership interests in a business entity that you identified on your acceptance of appointment.

☐ Other restrictions or limitations are:

☐ These letters expire: \_\_\_\_\_ Date

MARCH 7, 2023

Date

  
\_\_\_\_\_  
Judge (formal proceedings)/Register (informal proceedings) Bar no. (NE)

SEE NOTICE OF DUTIES ON SECOND PAGE


JOSEPH B. SCHULTE

NICOLE STOCKER P86045  
Attorney name (type or print) Bar no.  
803 10TH AVE. STE. A  
Address  
PORT HURON, MI 48060 810-824-4520  
City, state, zip Telephone no.

I certify that I have compared this copy with the original on file and that it is a correct copy of the original, and on this date, these letters are in full force and effect.

MARCH 7, 2023

Date

  
\_\_\_\_\_  
Deputy register

Do not write below this line - For court use only





# City of Marine City

260 South Parker Street  
Marine City, MI 48039  
(810) 765-8846  
[www.cityofmarinecity.org](http://www.cityofmarinecity.org)

March 23, 2023

Mr. Dominic Breloski  
5850 Plank Rd  
Marine City, MI 48039

Mr. Breloski:

The City still has not received word from you that desired contents of the home have been removed. Additionally, you still have not complied with the Dangerous Building Board's decision from the January 4, 2023, in their order that you prove your contract with your chosen contractor to demolish the structure on your property by May 1, 2023.

The Building Official has determined the structure on your property to be condemned and the matter will be heard in a Public Hearing before the Dangerous Building Board of Appeals on Wednesday, April 5, 2023 at 6:00 P.M. for further action related to this property.

If you have any questions, please reach out to Building Official Tracy Kallek or myself at 810-765-8846.

Sincerely,

Jason A. Bell  
Interim City Clerk



**CITY OF MARINE CITY**  
**Dangerous Building Board of Appeals**  
260 South Parker Street  
Marine City, MI 48039  
(810) 765-8846

January 10, 2023

**Dangerous Building Board of Appeals Decision & Order**

Owner of Record: Dominic Breloski  
Mailing Address: 5850 Plank Rd., Marine City, MI 48039

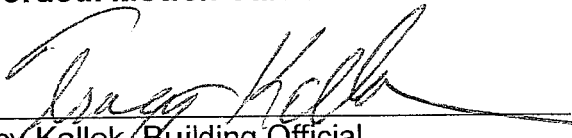
**I. BACKGROUND**

The Owner of record is maintaining a dangerous structure on his property located at 135 N. Sixth Street, Marine City, MI 48039 in violation of the Marine City Dangerous Building Ordinances beginning at §158.110. The matter has been considered by the Dangerous Building Board of Appeals since their July 6, 2022 meeting, following which the owner of record supplied a letter that was subsequently adopted as his plan of action which included demolition of the unsafe structure.

**II. ORDER OF THE DANGEROUS BUILDING BOARD OF APPEALS**

**Motion by Board Member Paulun, seconded by Board Member Bryson that prior to the next scheduled meeting on April 5, 2023 that Mr. Breloski is to remove all desired contents, to select a licensed and insured contractor for demolition, and prior to that demolition to obtain a demolition permit from the City; and that the structure on the house will be demolished by May 1, 2023.**

**The roll was called by City Clerk Adams: Ayes: (4) Allan, Bryson, Paulun, Turner. Nays: None Recorded. Motion Carried.**

  
Tracy Kallek, Building Official

Dated: 01-10-2023

  
Shannon Adams, City Clerk

Dated: 01-10-2023

Date Mailed Certified: 1-10-2023

Date Posted at 135 N. Sixth St.: 1-10-2023



# City of Marine City

260 South Parker Street  
Marine City, MI 48039  
(810) 765-8846  
[www.cityofmarinecity.org](http://www.cityofmarinecity.org)

March 23, 2023

Ms. Jennifer Kinnie  
29367 Yorkshire Lane  
Warren, MI 48088

Ms. Kinnie:

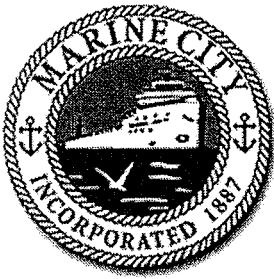
The Dangerous Building Board of Appeals, at their regular meeting on January 4, 2023, made a motion for you to fix the following items on your home: have a new roof put on, replace any and all stairs that currently exist to the porch, replace the guard rail(s), rid the home of vermin by making repairs to the exterior of the home as necessary to accomplish this task, and to paint/caulk the exterior of the home by the April 5, 2023 meeting. No permits have been applied for nor has any work been completed.

The matter of your property at 172 Bruce Street, Marine City, MI will be heard in a Public Hearing before the Dangerous Building Board of Appeals on Wednesday, January 4, 2022 at 6:00 P.M. for further action related to your property.

If you have any questions, please reach out to Building Official Tracy Kallek or myself at 810-765-8846.

Sincerely,

Jason A. Bell  
Interim City Clerk



# CITY OF MARINE CITY

## Dangerous Building Board of Appeals

260 South Parker Street

Marine City, MI 48039

(810) 765-8846

January 10, 2023

### Dangerous Building Board of Appeals Decision & Order

Owner of Record: Jennifer Kinnie

Mailing Address: 29367 Yorkshire Ln., Warren, MI 48088


#### I. BACKGROUND

The Owner of record is maintaining a dangerous structure on her property located at 172 Bruce Street, Marine City, MI 48039 in violation of the Marine City Dangerous Building Ordinances beginning at §158.110. The matter has been considered by the Dangerous Building Board of Appeals since their June 1, 2022 meeting when it was ordered the property would be removed from the Agenda to be handled internally through blight enforcement, and the owner was required to secure a roofing contractor within 30 days. At the July 6, 2022 meeting, the property appeared on the Agenda due to the owner's failure to comply with the previous order. It was reported by Building Official Kallek that the issues making the structure dangerous continued to exist due to a lack of safe stairs permitting ingress and egress into the home and the roof being in bad disrepair. The matter was referred to the City Commission and ultimately to the City Attorney for analysis for legal proceedings. An attorney opinion was issued to the City Commission recommending that the property be referred back to the Dangerous Building Board of Appeals for additional proceedings which occurred at the December 15, 2022 City Commission meeting. The owner was properly noticed of the January 4, 2023 public hearing related to her property by a posting on the property at issue and an attempt was made to provide notice by certified mail though two attempts at delivery were rejected.

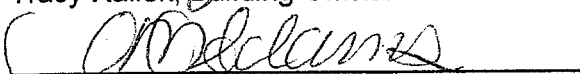
#### II. ORDER OF THE DANGEROUS BUILDING BOARD OF APPEALS

**Motion by Chairperson Allan, seconded by Board Member Bryson noting that the owner has continued to ignore the status of her property allowing further deterioration to continue with no meaningful progress to remedy the dangerous conditions, that by the April 5, 2023 meeting, the owner is hereby required to fix the following things with full compliance with City Ordinances, State Building Code and necessary permitting to make the property safe: have a new roof put on the home, replace any and all stairs that currently exist to the porch, replace the guard rail(s), rid the home of vermin by making repairs to the exterior of the home as necessary to accomplish this task, and to paint/caulk the exterior of the home.**

**The roll was called by City Clerk Adams: Ayes: (4) Allan, Bryson, Paulun, Turner. Nays: None  
Recorded. Motion Carried.**

  
Tracy Kallek, Building Official

Dated: 01-10-2023

  
Shannon Adams, City Clerk

Dated: 01-10-2023

Date Mailed Certified: 1-10-2023

Date Posted at 172 Bruce St.: 1-10-2023