

GLADSTONE



# GLADSTONE ZONING BOARD OF APPEALS REGULAR MEETING

Electric Department Conference Room - 10 North  
11th Street  
August 14, 2023  
5:00 PM

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## AGENDA

### CALL TO ORDER

1. Roll Call

### PUBLIC COMMENT

### CONFLICTS OF INTEREST

2. Conflict of Interests Disclosed & Determination by Board if Conflict Exists
3. Approval of ZBA Minutes - October 10, 2022

### CONFLICTS OF INTEREST

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### NEW BUSINESS

4. Property Maintenance Appeal - 11 S 9th St

### PUBLIC COMMENT

### PUBLIC COMMENT

### ADJOURNMENT

The City of Gladstone will provide all necessary, reasonable aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting to individuals with disabilities at the meeting/hearing upon five days notice to the City of Gladstone. Individuals with disabilities requiring auxiliary aids or services should contact the City of Gladstone by writing or calling City Hall at (906) 428-2311.

Posted: 08-10-2023

Kimberly Berry, MiPMC  
906-428-2311  
[kberry@gladstonemi.gov](mailto:kberry@gladstonemi.gov)

## RULES FOR PUBLIC COMMENT/ PUBLIC HEARINGS

(Excerpt from City Commission Rules of Procedure Adopted: 11-25-2019)

- A. Public Comment / Public Hearings

At regular and special meetings of the commission, individuals wishing to be heard may address the commission during the public comment/public hearing periods as set forth in the agenda under the following rules:

1. Each speaker shall state name and address for the record.
2. Each speaker is limited to three (3) minutes of comment unless the presiding officer decides more time is necessary
3. Each speaker shall try to be concise and refrain from repeating comments already addressed by the commission.
4. Speakers who do not cease speaking when asked to do so will be deemed out of order and will not be allowed to address the commission again for the remainder of the meeting; continued disruption will warrant removal from the meeting.
5. The commission shall not decide issues that arise during public comment.
6. Speakers should address the commission through the presiding officer.
7. Commissioners and staff will not debate with the public.
8. Speakers will not verbally attack City Commissioners, City Staff or members of the public attending the meeting. Any such behavior will not be tolerated and any person presenting in this manner will be warned by the Mayor and shall be removed by Public Safety for noncompliance.
9. No vulgar or obscene language will be used by the speakers.
10. Any information the speaker wants to distribute to the Commission must first ask the Chair (Mayor) if they may present the Commission written comments at the meeting.
11. Speakers may not ask questions of the board during this time as the Commission or Staff will not address them during this public comment period.

4:00 PM  
October 24, 2022

**CITY OF GLADSTONE  
ZONING BOARD OF APPEALS**

Present: Joe Thompson, Brad Mantela, Greg Styczynski & Robert Pontius  
Absent: Judy Akkala-Excused  
Staff Present: Eric Buckman, Renée Barron and Jerry Hebert

Joe Thompson called the meeting to order at 4:00 pm and roll call was conducted.

Chairman Thompson asked the group if a recess for a site inspection was needed. General decision was made that a recess was not needed.

Renee Barron, Zoning Administrator presented an overview of the case before the ZBA.

- 410 Wisconsin Avenue
- Owner: Jeff Diebolt
- Zoning: R-1 Single Family Residential
- Use: Rental
- Appeal: Property Maintenance Order for a roof replacement/repair

An inspection was made at 410 Wisconsin Avenue as per the rental code on June 27, 2022. Orders noted were attached in the appeal packet and included an order to replace the roof at this location. Several meetings were held with Mr. Diebolt after the initial orders were issued to review and discuss them. A subsequent order was issued on August 16, 2022 which amended the original order to replace just the west side of the roof as that side was the most deteriorated. A petition was filed by Mr. Diebolt to appeal the order completing the formal request to have the issued heard before the ZBA.

Jeff Diebolt was present and made 3 points regarding this property.

- 1) The building/roof is not leaking, he provided pictures as evidence of this.
- 2) The roof orders to repair/replace roof was issued because the residence is a rental, he feels this is discriminatory in nature.
- 3) Certain-Teed shingle representative letter indicates that curling shingles does not mean that a roof is going to leak.

The Board discussed the code and considered the appeal.

*Motion by Brad Mantela; seconded by Robert Pontius to reverse the orders of August 16<sup>th</sup>, 2022 to replace the west side of the roof at 410 Wisconsin Avenue. **MOTION CARRIED***

There being no further business before the Zoning Board of Appeals Chairman Joe Thompson adjourned the meeting at 6:03 PM.

\_\_\_\_\_  
Joe Thompson, ZBA Chairman

\_\_\_\_\_  
Renée Barron, Zoning Administrator

# Property Maintenance Code

[Excerpt regarding Means of Appeal]

## PM-111.0 MEANS OF APPEAL

### PM-111.1 Application for appeal:

Any person 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 board of appeals. The petition requesting a hearing shall be in writing, and shall specify the name, address and telephone number of the petitioner, and a brief statement of the grounds for appeal, and shall be accompanied by an appeal fee in the amount established by resolution. Such petition shall be filed within ten (10) days after the day the notice and order are served. Upon receipt of such a petition, the building official shall set a time for a hearing before the board and shall give the petitioner written notice thereof.

**PM-111.2 Membership of the board:** The board of appeals shall consist of five members of the Community appointed by the Mayor for the City of Gladstone with the advice of the City Commission. The City Commission will act as the board of appeals in the absence of a board of appeals.

**PM-111.2.3 Chairman:** The board shall annually select one of its members to serve as chairman.

**PM-111.2.4 Disqualification of member:** A member shall not hear an appeal in which that member has any personal, professional or financial interest.

**PM-111.2.5 Secretary:** The chief administrative officer shall designate a qualified clerk to serve as secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the chief administrative officer.

**PM-111.2.6 Compensation of members:** Compensation of members shall be determined by law.

**PM-111.3 Notice of meeting:** The board shall meet upon notice from the chairman, or at stated periodic meeting.

**PM-111.4 Open hearing:** All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official, and any person whose interests are affected shall be given an opportunity to be heard.

**PM-111.6 Board decision:** The board shall sustain, modify, or reverse the decision of the code official by a concurring vote of a majority.

**PM-111.6.1 Resolution:** The decision of the board shall be by resolution. Certified copies shall be furnished to the appellant and to the code official.

**PM-111.6.2 Administration:** The code official shall take immediate action in accordance with the decision of the board.

**PM-111.7 Court review:** All applications for writs of certiorari to correct errors of law shall comply with Section PM-111.1

# ZBA By-Laws

[Excerpt regarding Hearing Procedure]

## IX. HEARING PROCEDURE

### A. Order of Presentation.

1. The Chairperson shall declare the hearing open, state its purpose and summarize the procedure to be followed.
2. The Zoning Administrator shall state the nature of the petitioner's appeal, the action taken which is being appealed and any other information or testimony which the Zoning Administrator believes to be relevant to the appeal.
  - a. Upon request, the administrative official or body whose action is being appealed may present information relevant to the matter being appealed.
  - b. The information submitted shall include the action taken on the matter and the reasons therefore.
3. The petitioner personally and or the petitioner's agent or attorney may present its case, including witnesses on petitioners behalf.
  - a. The petitioner shall be permitted to speak for a reasonable length of time in order to present a complete case. In the interest of time and/or orderly procedure, the Chairperson may limit the time allowed.
4. Members of the public who support petitioner shall be allowed to speak personally or through an agent or attorney, and any correspondence in support of petitioner shall be read.
5. Members of the public who oppose the petitioner shall be allowed to speak, personally or through an agent or attorney, and any correspondence in opposition to petitioner shall be read.
6. In allowing members of the public to speak, either in support of or in opposition to the petitioner, the Chairperson may:
  - a. Where there are a large number of people present who wish to speak, encourage the group to select one of their number to speak on behalf of the group, in which event the Chairperson may allow the speaker a reasonable time to state his or her position. In the interest of time and/or orderly procedure, the Chairperson may limit the time allowed.
  - b. Allow all who wish to speak to do so, but in the interest of time and/or orderly procedure may impose a time limit which the Chairperson determines to be reasonable.
  - c. Require speaker to state name and address for the record.
  - d. May prohibit a person from speaking twice on the same issue until everyone wishing to be heard has had a chance to speak. A person will only be recognized a second time if the Chairperson determines such person has something new to add which will aid the deliberation process.

7. Any rebuttal to information presented shall be conducted only through the Chairperson. Anyone may ask the Chairperson relevant and pertinent questions on presentations given at the hearing, and the Chairperson shall seek an answer to the question. Answers shall be made to the Chairperson. No discussion, questioning or answering shall take place between any two or more persons except between the Chairperson and the individual who has the floor.

8. Nothing in these rules shall be construed to preclude any member of the ZBA from asking relevant questions or seeking clarification of any part of a presentation being made at any time during the hearing.

9. When the Chairperson determines that the hearing procedure set forth above has been completed, the Chairperson shall declare the hearing closed. At this point all public participation on the matter ends.

# Request for Appeal

**[Excerpt from Email Dated 06/28/2023]**

Subject: Re: 2nd Notice of Orders on Condemned Property | 11 S 9th St

To all,

I will fill out the appeal but last time it went to Eric / Renee before an official appeal was filed - again when can this be set up or does the city wish to bypass that step? As you know the process will be to appeal to the board - that will not happen (I assume) before the 4th of July. Can I expect the fines to continue to pile up in an attempt to bully me while I wait for the appeal process? Last time there was an appeal process cooler heads within the City prevailed and fines did not continue to pile up - bringing up as an example of past practice.

Jeff Diebolt

906-630-1414

**Additional Documentation Regarding Request for Appeal:** See enclosed emailed on the following pages.

- Subject: RE: Notice of Orders on Condemned Property | 11 S 9<sup>th</sup> St

**Patricia West**

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**From:** Renée Barron  
**Sent:** Friday, June 30, 2023 5:00 PM  
**To:** Jeff Diebolt; Patricia West  
**Subject:** RE: Notice of Orders on Condemned Property | 11 S 9th St

Thanks Jeff, your timeline is fine and I understand what you are appealing. The meeting for the roof was a different situation and involved several orders and an issue with the timeline that had passed for an appeal. This one is well within the timeline for appeal process. In addition once you mention and complete the appeal information it really must go to the ZBA.

Have a safe 4th!

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

**From:** Jeff Diebolt <jeff.diebolt@outlook.com>  
**Date:** 6/30/23 3:33 PM (GMT-06:00)  
**To:** Renée Barron <rbarron@gladstonemi.gov>, Patricia West <pwest@gladstonemi.gov>  
**Subject:** Re: Notice of Orders on Condemned Property | 11 S 9th St

Renee,

Meeting with yourself and Eric was more of a way to obtain (go over) the following (below) vs going to the board itself..... Like we tried to do with the roof.

I am appealing the fine and the time frames allowed to perform the work.

**My goal (s):**

- Reverse the fine
- Install safeguards to avoid unreasonable time frames
- Reverse the fee for the appeal
- Somehow drill down to be able to perform reasonable / logical / real work expectations without having to guess

I am hoping getting a check to the city early next week with it being after hours now and I believe a holiday early next week.

Hope everyone enjoys the Holiday weekend!

Jeff Diebolt

906-630-1414



On 6/30/2023 4:17 PM, Renée Barron wrote:

Hi Jeff, I received your email and read your attachment. It is not required that you meet with myself and Eric prior to filing an appeal. The cost for the appeal is \$50, once we receive payment I will notify Kim to schedule the appeals board. In thinking about preparing the agenda for this appeal can you describe what it is your appealing? I don't want to assume based on the grounds you listed so please describe what decision you are hoping to reverse or appeal. Thanks.

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Jeff Diebolt <[jeff.diebolt@outlook.com](mailto:jeff.diebolt@outlook.com)>

Date: 6/30/23 12:33 PM (GMT-06:00)

To: Patricia West <[pwest@gladstonemi.gov](mailto:pwest@gladstonemi.gov)>

Cc: Renée Barron <[rbarron@gladstonemi.gov](mailto:rbarron@gladstonemi.gov)>

Subject: Re: Notice of Orders on Condemned Property | 11 S 9th St

Renee, Patricia,

If a meeting with Eric / Renee is wanted prior to this being officially filed (like with the roof at 410) then we should do that. I do not know they cost of fee - its not listed in the attached notice. I can get that check once I know the amount.

Thanks,

Jeff Diebolt

906-630-1414

On 6/20/2023 1:14 PM, Patricia West wrote:

Hi Jeff,

As Renee mentioned in her separate email, I have mailed out the attached letter to your owner address of 703 Michigan Ave regarding new orders on the property of **11 S 9<sup>th</sup> St.** I've attached the notice of orders to this email as well as a courtesy for you.

The established deadline for resolution has been set for **Friday, June 23, 2023** as outlined in the attached document. Please let me know by email once these orders have been resolved.

As always, please reach out with questions.

Thank you,

Patricia West

Code Enforcement Official

City of Gladstone



# Zoning Board of Appeals Staff Report

**Agenda Date:** 08/14/2023

**Department Head Name:**

Renee Barron

**Department:** Code Enforcement

**Presenter:**

Patricia West

**AGENDA ITEM TITLE:**

Property Maintenance Appeal – 11 S 9<sup>th</sup> St

**NAME OF PETITIONER:**

Jeff Diebolt

**TIMELINE OF EVENTS:**

**04/12/2022** – Property condemned under previous ownership.

**03/09/2023** – Letter mailed to Jeff Diebolt regarding transfer of ownership of a condemned property.

**06/19/2023** – Site visit captured photos of the current state of the building after several concerns were brought to the city's attention.

**06/20/2023**

- Notice sent via first class mail to Jeff Diebolt regarding orders effective 06/20/2023 with a deadline set for 06/23/2023. As outlined in our code (**PM 107.3**), first class mail is the required form of formal notices.
- Due to the condemned status and severity of the issue, emailed Jeff Diebolt a copy of the notices as well. Jeff responded same day, acknowledging receipt.

**06/27/2023**

- Site visit captured photos of the updated state of the building. Building remained unsecure, posing the following safety risks:
  - Attractive nuisance to children (**Defined in Section PM-302.0**)
  - Harborage for animals (**PM-303.5**)
  - Not weatherproofed or secure to the elements (**PM-304.6**)
- 2<sup>nd</sup> notice sent first class mail to Jeff Diebolt regarding unresolved order from 06/20/2023, with a penalty fine of \$50.00 and a deadline set for 06/29/2023 at 11:59 PM
- Again, due to the condemned status and severity of the issue, emailed Jeff Diebolt a copy of the notices as well. Jeff responded same day, acknowledging receipt.

**07/06/2023**

- Site visit captured photos of the updated state of the building. Building entry points were secured by tarps and plywood.
- Email sent to Jeff Diebolt to notify him the orders issued on 06/20/2023 were resolved.

**SUPPORTING DOCUMENTATION:**

- Photos taken on 06/19/2023
- Letter | Notice of orders mailed on 06/20/2023
- Email | Subject: RE: Notice of Orders on Condemned Property | 11 S 9<sup>th</sup> St
- Photos taken on 06/24/2023
- Letter | Notice of orders mailed on 06/27/2023 (Omitted Codes from ZBA Packet)
- Email | Subject: RE: 2<sup>nd</sup> Notice of Orders on Condemned Property | 11 S 9<sup>th</sup> St
- Photos taken on 07/06/2023
- Email | Subject: RE: Notice of Orders on Condemned Property | 11 S 9<sup>th</sup> St (**Notification of Resolution**)

**STAFF SUMMARY**

The City of Gladstone upholds that reasonable/logical/real work expectations were clearly communicated throughout the process.

- The same verbiage was used on all formal notices, as well as all email correspondence.
  - **“Secure the *building* from the public by properly blocking off any entry points to the interior of the building.** The specific areas for concern are addressed in the enclosed photographs.”
- Pictures were included in both formal notices as well as email correspondence, clearly identifying the areas in question.

The City of Gladstone upholds that safeguards are in place to avoid unreasonable timeframes.

- There are several factors we consider when setting deadlines, including the severity of the issue, what is reasonable based off the amount of work that needs to be done, and past precedent on previous properties. The deadline set for this property was based on all these factors.
- The goal of code enforcement is to ensure minimum safeguards within our community. Implementing a blanket “safeguard” to be used on all property maintenance issues would be an injustice to this city, as it would strip the City of Gladstone’s ability to move quickly on severe violations and hazardous conditions within our community. We maintain that the condemned status of this property, severity of the violation, location of the property, and anticipated foot traffic due to the 4<sup>th</sup> of July activities downtown classified this property a high priority.

According to the Property Maintenance Code (PM-111.6), the board shall sustain, modify, or reverse the decision of the code official by a concurring vote of a majority.



## Photographs

**Description:** Pictures captured by Patricia West on 06/19/2023





"Year Round Playground"  
June 20, 2023

## CITY OF GLADSTONE, MICHIGAN

CITY HALL, 1100 DELTA AVENUE

GLADSTONE, MI 49837

PHONE: 906-428-2311

FAX: 906-428-3122

www.gladstonemi.org

Jeff Diebolt  
703 Michigan Ave  
Gladstone, MI 49837

### RE: Orders on Condemned Property | 11 S 9<sup>th</sup> St

Dear Jeff,

As a follow up to our letter dated March 9, 2023 regarding the transfer of ownership of the condemned property **11 S 9<sup>th</sup> St** in Gladstone, the City of Gladstone has noted that work to resolve the property violations has begun on the property.

We learned in an email correspondence dated June 2<sup>nd</sup> that no permits had been pulled at the county level with the Building Inspector, Jack Smith. It was understood that you would begin the permit process with the county the following Monday (June 5<sup>th</sup>, 2023). The City of Gladstone contacted Jack Smith on June 20, 2023 to inquire about the progress of those permits, and was made aware that no permits have been pulled at this time.

Following a site visit of the property on June 19, 2023, we've noticed that progress has stalled. At the time of the site visit, it was noted that the building is not properly secure to the public and continues to pose a safety risk, further deeming it a public nuisance to our community.

#### Orders Effective 06/20/2023

Immediate action is required to resolve the issues below, with cited violations to the City's Code of Ordinances and Property Maintenance Code enclosed on the following pages. The full Code of Ordinances and Property Maintenance Code can be found on the City of Gladstone website, at [www.gladstonemi.org](http://www.gladstonemi.org). Your deadline to resolve these orders has been set for **Friday, June 23, 2023**.

- **Secure the building from the public by properly blocking off any entry points to the interior of the building.** The specific areas for concern are addressed in the enclosed photographs. Furthermore, we recommend barricading off the portion of the property under construction from the public to reduce your liability of an accident.
- **Eliminate any materials or equipment from the exterior of the building which could be seen as an attractive nuisance to children**, specifically items such as ladders or scaffolding which can be used as an access point to the beams and/or roof.

As outlined in our Property Maintenance Code, if the property owner fails to close up the premises within the time specified in the order, the code official shall cause the premises to be closed 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.

 A WPPI Energy community


 The City of Gladstone is an equal opportunity employer and provider.

Failure to meet the established deadline will result in a fee or penalty. Once the orders have been resolved, please notify me (Patricia West) by email at [pwest@gladstonemi.gov](mailto:pwest@gladstonemi.gov).

Finally, I understand Renée Barron is working with you and Jack Smith to get the proper permitting in place at the county level and documented for the City. Once the City of Gladstone has the proper permitting information and project plans in place, I will follow up with you to establish a formal timeline for completion of the project. Given the long-standing history of the violations on the property, and the severity of the compromised section of the building, it is essential that the City of Gladstone sees timely progress towards resolution. Again, we ask that you proactively keep us informed of any progress or barriers.

We look forward to seeing the property meet compliance. Please reach out with any questions.

Sincerely,



Patricia West

Code Enforcement Official

Email: [pwest@gladstonemi.org](mailto:pwest@gladstonemi.org)

Phone: (906) 428-4586

City of Gladstone

## CODE OF ORDINANCES

### Chapter 22 – Environment

#### Article II. – Public Nuisances

##### *Sec. 22-31. - Statement of purpose.*

The city has a valid interest in protecting the health, safety, morals and general welfare of its citizens. The interest in protecting the general welfare of the citizens includes an interest in protecting property values and promoting aesthetic considerations.

##### *Sec. 22-32. - Definitions.*

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Nuisance means whatever annoys, injures or endangers the safety, health, comfort or repose of the public; offends the public decency; interferes with, obstructs or renders dangerous any street, alley, public place, highway, navigable lake or stream; unreasonably lowers property values; offends the aesthetic sensibilities of the public; or in any way renders the public insecure in life or property. Public nuisances shall include, but shall not be limited to, whatever is forbidden by any provision of this article.

##### *Sec. 22-33. - Prohibited.*

It shall be unlawful for any person to commit, create or maintain any nuisance within the city. Each day a nuisance shall remain unabated shall be construed as a separate violation.

##### *Sec. 22-34. - Abatement.*

The city manager may, at his option, enforce the provisions of this article by one or more of the following methods:

- (1) Prosecution. The city manager may prosecute the person committing, creating or maintaining a nuisance for a violation of the provisions of this article.
- (2) Removal. The city manager may cause a nuisance to be abated immediately, provided the nuisance involves the public health and safety or injury to property.
- (3) Notice. The city manager may give notice in the manner provided in section 2-2 to the person committing, creating or maintaining a nuisance to abate the nuisance within a reasonable length of time.

##### *Sec. 22-35. - Abatement by city.*

If the owner, possessor or occupier of any property within the city which is subject to an order of abatement of a public nuisance issued by the city commission or city manager shall fail or refuse to abate the nuisance within the length of time prescribed by the notice, the city manager shall abate the nuisance after the date prescribed in the notice of abatement.



## PROPERTY MAINTENANCE CODE

### Section PM-105.0 DUTIES AND POWERS OF THE CODE OFFICIAL

#### PM-105.2 Notices and orders:

The code official shall issue all necessary notices or orders to ensure compliance with the code.

#### PM-105.7 Rule making authority:

The code official shall have power as necessary in the interest of public health, safety and general welfare, to adopt and promulgate rules and regulations to interpret and implement the provisions of this code to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code or of violation accepted engineering practice involving public safety.

### Section PM-106.0 VIOLATIONS

#### PM-106.1 Unlawful acts:

It shall be unlawful for any person firm or corporation to erect, construct, alter, extend, repair, remove, demolish, maintain, fail to maintain, provide, fail to provide, occupy, let to another or occupy or permit another person to occupy any premises, property, structure or equipment regulated by this code, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of this code, or to fail to obey a lawful order of the code official, or to remove or deface a placard or notice posted under the provisions of this code.

#### PM-106.2 Penalty:

Any person who shall violate a provision of this code shall be responsible for a civil infraction subject to payment of a civil fine of not less than Fifty (\$50.00) or more than Five Hundred (\$500.00) Dollars plus costs and other sanctions for each infraction. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

#### PM-106.3 Prosecution:

In case of any unlawful acts the code official shall institute an appropriate action or proceeding at law to exact the penalty provided in Section PM-106.2. Also, the code official shall ask the jurisdiction's legal representative to proceed at law or in equity against the person responsible for the violation for the purpose of ordering that person:

1. To restrain, correct or remove the violation or refrain from any further execution of work;
2. To restrain or correct the erection, installation, maintenance, repair or alteration of such structure;
3. To require the removal of work in violation; or
4. To prevent the occupancy of the structure that is not in compliance with the provisions of this code.

### Section PM-107.0 Notices and Orders

#### PM-107.1 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 Sections PM-107.2 and PM-107.3. Notices for condemnation procedures shall also comply with section PM-108.3.

#### PM-107.2 Form:

Such notice prescribed in Section PM-107.1 shall:

1. Be in writing;

2. Include a description of the real estate sufficient for identification;
3. Include a statement of the reason or reasons why the notice is being issued; and
4. Include a correction order allowing a reasonable time for the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of this code.

#### PM-107.3 Method of service:

Such notice shall be deemed to be properly served if a copy thereof is (a) delivered to the owner personally; or (b) sent by first class mail addressed to the owner at the last known address. If the letter 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. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

#### PM-107.4 Penalties:

Penalties for noncompliance with orders and notices shall be as set forth in Section PM-106.2.

#### PM-107.5 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 or 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.

## Section PM-108.0 UNSAFE STRUCTURES AND EQUIPMENT

### PM-108.1 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.

#### *PM-108.1.1 Unsafe structure:*

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

#### *PM-108.1.3 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 unsanitary, 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.

### PM-108.2 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 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.

#### PM-108.3 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 Section PM-107.3. The notice shall be in the form prescribed in Section PM-107.2.

#### PM-108.4 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.

#### PM-108.5 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.

#### PM-108.6 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.

### SECTION PM-111.0 MEANS OF APPEAL

#### PM-111.1 Application for appeal:

Any person affected by a decision of the code official or a notice of order issued under this code shall have the right to appeal to the board of appeals. The petition requesting a hearing shall be in writing, and shall specify the name, address and telephone number of the petitioner, and a brief statement of the grounds for appeal, and shall be accompanied by an appeal fee in the amount established by resolution. Such petition shall be filed within ten days after the day the notice and order are served. Upon receipt of such a petition, the building official shall set a time for a hearing before the board and shall give the petitioner written notice thereof.

### SECTION PM-302.0 DEFINITIONS

#### PM-302.1 General:

The following words and terms shall, for the purposes of this chapter and as stated elsewhere in this code, have the meanings shown herein

**Extermination:** The control and elimination of insects, rats or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

**Infestation:** The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

**Public nuisance (defined):** Includes any of the following:

1. The physical condition or occupancy of any premises regarded as a public nuisance at common law;

2. Any physical condition or occupancy of any premises or its appurtenances considered an attractive nuisance to children, including, but not limited to, abandoned wells, shafts, basements, excavations and unsafe fences or structures;
3. Any premises that has unsanitary sewerage or plumbing facilities;
4. Any premises designated as unsafe for human habitation;
5. Any premises that is manifestly capable of being a fire hazard, or is manifestly unsafe or unsecured so as to endanger life, limb or property;
6. Any premises from which the plumbing, heating or facilities required by this code have been removed, or from which utilities have been disconnected, destroyed, removed or rendered ineffective, or the required precautions against trespassers have not been provided;
7. Any premises that is unsanitary, or that is littered with rubbish or garbage, or that has an uncontrolled growth of weeds; or
8. Any structure that is in a state of dilapidation, deterioration or decay; faulty construction; overcrowded; open, vacant or abandoned; damaged by fire to the extent so as not to provide shelter; in danger of collapse or failure; and dangerous to anyone on or near the premises.

## SECTION PM 303.0 EXTERIOR PROPERTY AREAS

### PM-303.5 Birds, rodents and skunk harborage:

All structures shall be kept free from bird, rodent, and skunk infestation. Where birds, rodents, and skunks are found, they shall be promptly exterminated by approved processes, which will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

## SECTION PM 304.0 EXTERIOR STRUCTURE

### PM-304.1 General:

The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

### PM-304.6 Exterior walls:

All exterior walls shall be free from holes, breaks, and loose, or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

## SECTION PM 305.0 INTERIOR STRUCTURE

### PM-305.1 General:

The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Every occupant shall keep that part of the structure which such occupant occupies or controls in a clean and sanitary condition. Every owner of a structure containing a rooming house, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

Item 4.





## Patricia West

---

**From:** Patricia West  
**Sent:** Wednesday, June 21, 2023 11:50 AM  
**To:** 'Jeff Diebolt'  
**Cc:** Renée Barron  
**Subject:** RE: Notice of Orders on Condemned Property | 11 S 9th St

Hi Jeff,

To clarify, the only items requiring resolution by June 23, 2023 (Friday) are the bulleted items below (please reference the previous notice I provided yesterday).

- **Secure the *building* from the public by properly blocking off any entry points to the interior of the building.** The specific areas for concern are addressed in the photographs included in the notice. Furthermore, we recommend barricading off the portion of the property under construction from the public to reduce your liability of an accident.
- **Eliminate any materials or equipment from the exterior of the building which could be seen as an attractive nuisance to children**, specifically items such as ladders or scaffolding which can be used as an access point to the beams and/or roof.

Your concerns regarding permitting should be addressed with Jack, as Renee and I only require we have the permits on file to ensure the work being done has gone through the proper channels.

**If you have additional questions not related to permitting, please send those over. Once I have them, we can set up an appointment for next week.**

Thanks,  
Patricia West

---

**From:** Jeff Diebolt <jeff.diebolt@outlook.com>  
**Sent:** Tuesday, June 20, 2023 3:01 PM  
**To:** Patricia West <pwest@gladstonemi.gov>  
**Cc:** Renée Barron <rbarron@gladstonemi.gov>  
**Subject:** Re: Notice of Orders on Condemned Property | 11 S 9th St

Can someone make some time to come onsite in the next few days so we can get specific because things are to vague and getting a little to pushy and unrealistic.

I am free except Friday mid morning.

Thanks,

Jeff Diebolt

Item 4.

906-630-1414

On 6/20/2023 1:14 PM, Patricia West wrote:

Hi Jeff,

As Renee mentioned in her separate email, I have mailed out the attached letter to your owner address of 703 Michigan Ave regarding new orders on the property of **11 S 9<sup>th</sup> St.** I've attached the notice of orders to this email as well as a courtesy for you.

The established deadline for resolution has been set for **Friday, June 23, 2023** as outlined in the attached document. Please let me know by email once these orders have been resolved.

As always, please reach out with questions.

Thank you,  
Patricia West  
Code Enforcement Official  
City of Gladstone





**Description:** Photos captured by Patricia West on 06/27/2023





"Year Round Playground"

June 27, 2023

## CITY OF GLADSTONE, MICHIGAN

CITY HALL, 1100 DELTA AVENUE

GLADSTONE, MI 49837

PHONE: 906-428-2311

FAX: 906-428-3122

[www.gladstonemi.org](http://www.gladstonemi.org)

Jeff Diebolt  
703 Michigan Ave  
Gladstone, MI 49837

### RE: 2<sup>nd</sup> Notice: Orders on Condemned Property | 11 S 9<sup>th</sup> St

Dear Jeff,

This is your second notice regarding unresolved orders on the property **11 S 9<sup>th</sup> St** in Gladstone. Upon a site visit to the property on June 27, 2023, the bulleted item below remains in violation of the City of Gladstone's Property Maintenance Code and Code of Ordinances. Immediate action is required to resolve the issue below, with cited violations to the City's Code of Ordinances and Property Maintenance Code enclosed on the following pages. The full Code of Ordinances and Property Maintenance Code can be found on the City of Gladstone website, at [www.gladstonemi.org](http://www.gladstonemi.org). Your deadline to resolve these orders has been set for **June 29, 2023 at 11:59 PM**.

- **Secure the *building* from the public by properly blocking off any entry points to the interior of the building.** The specific areas for concern are addressed in the enclosed photographs.

We are requiring that you board up the building to secure the entry points. This is essential to meet our community's minimum health and safety requirements, which will eliminate the risk of becoming an attractive nuisance to children, a harborage for animals, and temporarily weatherproofing the structure to prevent further deterioration.

As outlined in our Property Maintenance Code, if the property owner fails to close up the premises within the time specified in the order, the code official shall cause the premises to be closed 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.

Enclosed you will find a **\$50.00 penalty fine with a payment deadline set for July 14, 2023** for failure to resolve the above order by the deadline established as June 23, 2023. Failure to meet the June 29, 2023 deadline will result in further fees or penalties.




A WPPI Energy community

 The City of Gladstone is an equal opportunity employer and provider.

Furthermore, on June 27, 2023, Jack Smith, the County Building Inspector, updated the City of Gladstone that a permit had not yet been issued. Please notify the City of Gladstone once this has been resolved with the county.

Sincerely,



Patricia West

Code Enforcement Official

Email: [pwest@gladstonemi.org](mailto:pwest@gladstonemi.org)

Phone: (906) 428-4586

City of Gladstone



GLADSTONE



1100 DELTA AVENUE  
GLADSTONE, MI 49837

(906) 428-3636

DIEBOLT, JEFF  
703 MICHIGAN AVE.  
GLADSTONE, MI 49837

Item 4.

# INVOICE

Customer ID: 0936  
 Invoice Number: 0000002651  
 Service Date: 06/27/2023  
 Invoice Date: 06/27/2023  
 Due Date: 07/14/2023

Property Address:  
11 S 9TH ST.

Remaining Unapplied Credits: 0.00

Quantity	Description	Unit Price	Amount
1	CODE VIOLATION	50.00	50.00

Total Invoice: 50.00  
 Credits Applied: 0.00  
 Payments Applied: 0.00  
 Invoice Balance: 50.00

2% penalty added if paid after due date. Online payments may be made on our website [www.gladstonemi.org](http://www.gladstonemi.org).

PLEASE RETURN BOTTOM PORTION WITH REMITTANCE

CITY OF GLADSTONE  
1100 DELTA AVENUE  
GLADSTONE, MI 49837

(906) 428-3636

DIEBOLT, JEFF  
703 MICHIGAN AVE.  
GLADSTONE, MI 49837

# INVOICE

Customer ID: 0936  
 Invoice Number: 0000002651  
 Service Date: 06/27/2023  
 Invoice Date: 06/27/2023  
 Due Date: 07/14/2023  
 Total Due: 50.00

Property Address:  
11 S 9TH ST.



CODE AND ORDINANCE VIOLATION NOTICE

NO. 23-02

NO 000191

TO THE OWNER, LESSEE, TENANT, OCCUPANT OR PERSON IN CHARGE OF THE PROPERTY/VEHICLE DESCRIBED BELOW:

NAME Jeff Diebolt

PREMISE ADDRESS: 115 9th St

VEHICLE MAKE \_\_\_\_\_ MODEL \_\_\_\_\_ LICENSE \_\_\_\_\_ STATE \_\_\_\_\_

PLEASE TAKE NOTICE THAT ON (Date) 06/27/2023 (Time) \_\_\_\_\_ YOU WERE FOUND IN VIOLATION OF:

ORDINANCE(S)# <u>PM-304.6</u>	# _____	FINE \$ _____
SPECIFICALLY THE VIOLATION CONSISTS OF:		
<input type="checkbox"/> ILLEGALLY PARKED OR INOPERABLE VEHICLE(S) ON		FINE \$ _____
<input type="checkbox"/> PROPERTY <input type="checkbox"/> STREET		
<input type="checkbox"/> ANIMAL <input type="checkbox"/> PROHIBITED <input type="checkbox"/> CRUELTY <input type="checkbox"/> RUN AT LARGE		
<input type="checkbox"/> DEFECATE ON PROPERTY <input type="checkbox"/> UNLICENSED		
<input type="checkbox"/> OTHER _____		FINE \$ _____
<input type="checkbox"/> TRASH <input type="checkbox"/> IMPROPER BURNING <input type="checkbox"/> IMPROPER DISPOSAL		FINE \$ _____
<input type="checkbox"/> HIGH GRASS OR WEEDS		FINE \$ _____
<input type="checkbox"/> LITTERING <input type="checkbox"/> LITTERING BY HANDBILLS		FINE \$ _____
<input type="checkbox"/> NOISE <input type="checkbox"/> GENERAL <input type="checkbox"/> VEHICULAR <input type="checkbox"/> ANIMAL		FINE \$ _____
<input type="checkbox"/> DISORDERLY CONDUCT		FINE \$ _____
<input type="checkbox"/> TRESPASSING <input type="checkbox"/> LOITERING		FINE \$ _____
<input type="checkbox"/> IMPROPER WATERING		FINE \$ _____
<input checked="" type="checkbox"/> OTHER <u>Insecure Exterior Wall</u>		FINE \$ <u>50.00</u>
ADDITIONAL DESCRIPTION OF VIOLATION _____		

THE ABOVE LISTED CHARGE(S) MUST BE PAID WITHIN 17 DAYS TO AVOID ANY FURTHER ACTION. TO PAY THE INDICATED FINE(S) MAIL OR RETURN IN PERSON YOUR SIGNED COPY OF THE VIOLATION ALONG WITH A CHECK OR MONEY ORDER TO:

CITY OF GLADSTONE  
1100 DELTA AVE.  
GLADSTONE, MI 49837

ISSUING OFFICER Patricia West ID# \_\_\_\_\_

SIGNATURE OF VIOLATOR \_\_\_\_\_ DATE \_\_\_\_\_

## Patricia West

---

**From:** Jeff Diebolt <jeff.diebolt@outlook.com>  
**Sent:** Thursday, June 29, 2023 6:56 AM  
**To:** Renée Barron; Patricia West  
**Cc:** Eric Buckman; Greg Styczynski  
**Subject:** Re: 2nd Notice of Orders on Condemned Property | 11 S 9th St

Renee,

Here is another example of issues that arise when unrealistic time frames are given for non obtainable goals set by the city - its currently raining (quite violently) I can't predict the future of the weather but if the rain persists throughout the day should our crew work unsafely or pause? I hope the rain will stop in the early am and if so I'll throw man power at it and attempt to guess at what will appease the city but if it doesn't really I am really not sure how to proceed.....

Jeff Diebolt  
 1-906-630-1414

Sent from my Verizon, Samsung Galaxy smartphone  
 Get [Outlook for Android](#)

---

**From:** Jeff Diebolt <jeff.diebolt@outlook.com>  
**Sent:** Wednesday, June 28, 2023 5:32:52 PM  
**To:** Renée Barron <rbarron@gladstonemi.gov>; Patricia West <pwest@gladstonemi.gov>  
**Cc:** Eric Buckman <EBuckman@gladstonemi.gov>; Greg Styczynski <GStyczynski@gladstonemi.org>  
**Subject:** Re: 2nd Notice of Orders on Condemned Property | 11 S 9th St

I'll be on my phone for the rest of the evening and all of tomorrow. Was in an employee meeting until 510 pm today. Apologize for not being able to answer the phone.

Giving unreasonable demands and time frames is very personal. Threatening to "fix the problem for me" but not willing to help clarify what or how is very contradictory.

I will file the appeal tomorrow early I expect that will stop the threats until the next steps can be taken or a phone call can happen. Again I REALLY am sorry for not being able to answer the phone at that moment. I do not have any other important pressing issues going forward.

Jeff Diebolt  
 906-630-1414

Sent from my Verizon, Samsung Galaxy smartphone  
 Get [Outlook for Android](#)

---

**From:** Renée Barron <rbarron@gladstonemi.gov>  
**Sent:** Wednesday, June 28, 2023 4:54:13 PM  
**To:** Jeff Diebolt <jeff.diebolt@outlook.com>; Patricia West <pwest@gladstonemi.gov>

**Cc:** Eric Buckman <EBuckman@gladstonemi.gov>; Greg Styczynski <GStyczynski@gladstonemi.org>

**Subject:** RE: 2nd Notice of Orders on Condemned Property | 11 S 9th St

Hi Jeff,

Commissioner Styczynski stopped in to talk with me regarding your issues outlined by Patricia below. We called in both Patricia and Manager Buckman and reviewed the details of the information back and forth. Commissioner Styczynski, Manager Buckman and myself then tried to contact you to discuss but you weren't available.

Because your deadline is fast approaching, I wanted to reach out to you one last time to try to resolve this issue. I can clearly hear that you are upset and I can assure the goal of the city is to secure that building from people and animals/rodents. The fence you have put up serves as a reasonable barrier to deter people from the site and we acknowledge that there has been some good progress to mitigate the issues. The site has been organized in a way that is also acceptable to the city. The remaining issue currently is securing the open portions of the building. **Your comments below definitely are getting very personal, and I think you may be losing sight of what is being asked of you.** We are simply asking that you secure the open spaces in a condemned building that is located on a busy street that doesn't have any building permits (yet), and we don't know how long it will be before you are allowed to close this structure permanently. This structure has been unsecure for over a month and it is time to correct the issue. **The city can't give you solutions to resolve the issue as that is not our role to do so.** If you are unable to secure the property or you won't do it, the City will have to take measures to do it for you. This is not a personal issue for us, it's just a matter of securing the building, please take care of the issue by the deadline posted (Thursday).

---

**From:** Jeff Diebolt <jeff.diebolt@outlook.com>

**Sent:** Wednesday, June 28, 2023 2:45 PM

**To:** Patricia West <pwest@gladstonemi.gov>

**Cc:** Renée Barron <rbarron@gladstonemi.gov>; Eric Buckman <EBuckman@gladstonemi.gov>

**Subject:** Re: 2nd Notice of Orders on Condemned Property | 11 S 9th St

Eric and Renee,

I have called you both - when can I get a call back?

Patricia,

**I DID NOT receive your mail until Saturday / Sunday - past the due date. This email now has pictures vs the words in previous that were misleading at best when you were focusing on ladders and materials.** I asked for an onsite meeting, that you ignored, so I don't see you as a viable contact any longer. Given my history with the City which well proceeds any employment you have we have always worked pretty darn well together. I asked for an onsite meeting for clarification and drilling down to solutions - reasonable ones, ones based in reality. You are are trying to paint documentation as the highest importance when solutions actually are.

---- I will emphasize that the city's codes apply to all property owners and residents within the city limits" ---- are you serious? Your brother has chipping paint, holes in his building, its a structure that's not livable, non operational utilities, ect. I am not trying to throw him under any bus but your statement doesn't jive well with reality. What about the OSF remodel? I could go on for days.....

To all,



I will fill out the appeal but last time it went to Eric / Renee before an official appeal was filed - again when can this be set up or does the city wish to bypass that step? As you know the process will be to appeal to the board - that will not happen (I assume) before the 4th of July. Can I expect the fines to continue to pile up in an attempt to bully me while I wait for the appeal process? Last time there was an appeal process cooler heads within the City prevailed and fines did not continue to pile up - bringing up as an example of past practice.

Jeff Diebolt

906-630-1414

On 6/28/2023 12:13 PM, Patricia West wrote:

Jeff,

Information on how to file an appeal can be found on page six of the formal notice you were mailed/mailed yesterday (06/27/2023). According to the current fee schedule, the cost to file an appeal is \$50.00.

We are requiring you to secure the two open entry points created during demolition accessing the section of the building which remains standing. I have included photographs below for you to identify the areas I am referring to.



The deadline set for June 29, 2023 at 11:59 PM is an extension of the deadline originally set for June 23, 2023. Given the City of Gladstone's Fourth of July activities scheduled for next week, it is essential that the structure be secured prior to the increased foot traffic anticipated on Tuesday, July 4, 2023.

Regarding the unattended materials left out on the site, we are not as concerned as we were last week as you have since implemented a physical barricade. Should the permit issuing process take longer than expected, and the job site become inactive, we may choose to revisit this. You will receive proper notice if that is the case.

While I am the point of contact for condemned properties, I assure you that both Eric and Renee are informed of every status update on this property, and the City of Gladstone is aligned in direction. Naturally, and as you have requested, the next step would be to appeal.

I will emphasize that the city's codes apply to all property owners and residents within the city limits. The City of Gladstone feels it best that communication regarding this condemned property be documented in writing moving forward.

Sincerely,

Patricia West  
Code Enforcement Official  
City of Gladstone

---

**From:** Jeff Diebolt <[jeff.diebolt@outlook.com](mailto:jeff.diebolt@outlook.com)>  
**Sent:** Tuesday, June 27, 2023 4:13 PM  
**To:** Patricia West <[pwest@gladstonemi.gov](mailto:pwest@gladstonemi.gov)>  
**Cc:** Renée Barron <[rbarron@gladstonemi.gov](mailto:rbarron@gladstonemi.gov)>  
**Subject:** Re: 2nd Notice of Orders on Condemned Property | 11 S 9th St

Patricia,

Please send the appeal paper work or guide me to where I can get it.

I have requested onsite meeting to get 100% on the same page - completely ignored.

Your email and it states "we recommend barricading off the portion of the property under construction from the public to reduce your liability of an accident" - that has been completed. If there was something done incorrectly then this should be communicated. But it appears you do not want pro active communication and just want to fine people. I can not BUILD anything onsite - Renee has made that crystal clear. I don't have a permit yet - if you need details of my conversation with Renee please see her. We have YET TO RESOLVE THAT. So sitting back and fining me for things - WILL NOT HELP.

During your emails back and forth you kept stating that ladders, materials, ect that could be attractive or a nuisance to children must be removed. I countered back that is how job sites are and you kept persisting. Especially when I countered how all jobsites look and work around town. Are those items ok now? I do concede that at that point it wasn't the most orderly - I apologized and rectified.

Your actual mail only arrived to me yesterday which is well past your original deadline - which wouldn't have been able to be meet because of your unrealistic time frames and the USPS. This further leads me to believe by your factual actions that you just are bent on me or this building.

So before BEFORE ANY other movement by me I am getting this resolved above you. I have done more in the past 2-3 months to rectify that buildings situation than the previous owner did for the past 3 years. FYI - this isn't how you proceed with me. Are you REALLY sure you want to nit-pic me here?

Your new deadline is also not realistic and won't happen. I am NOT ALLOWED TO WORK ONSITE. Even if I were allowed - no one has offered a suggestion as to what will suffice as a solution - I have asked. I am not going to be put in the position of guessing what's right and wrong. And no one has yet to comment on what is wrong with it - it is barricaded off as requested.

Again I am not doing a thing until other people are involved at this point. Let's actually get people together instead of hiding behind emails and fines.

IN CASE ANYONE NEEDS IT MY PHONE NUMBER IS: 906-630-1414. MY ADDRESS IS 703 MICHIGAN AVE, GLADSTONE, MI, 49837. READY TO COMMUNICATE TO COME UP AND UNDERSTAND EXACTLY WHAT NEEDS TO HAPPEN.

Jeff Diebolt

906-630-1414

On 6/27/2023 3:35 PM, Patricia West wrote:

Jeff,

Attached you will find a second notice of orders on the property **11 S 9<sup>th</sup> St.** The official notice was placed in the mail this afternoon and will be sent to your home address at 703 Michigan Ave. Enclosed within the notice is a \$50.00 penalty fine for failure to resolve the prior order outlined in the letter by the established deadline.

As outlined in the attachment, your new deadline to resolve the cited order is **June 29, 2023 at 11:59 PM.** Failure to meet this deadline will result in further fees or penalties.

Sincerely,  
Patricia West  
Code Enforcement Official  
City of Gladstone



**Description:** Photos taken by Patricia West on 07/06/2023



## Patricia West

---

**From:** Patricia West  
**Sent:** Thursday, July 6, 2023 11:26 AM  
**To:** Jeff Diebolt  
**Cc:** Renée Barron  
**Subject:** RE: Notice of Orders on Condemned Property | 11 S 9th St

Jeff,

I did a site visit today and wanted to follow up with you to confirm that the orders issued on 06/20/2023 are now resolved.

Thank you,  
Patricia West

---

**From:** Patricia West <[pwest@gladstonemi.gov](mailto:pwest@gladstonemi.gov)>  
**Sent:** Wednesday, June 21, 2023 11:50 AM  
**To:** Jeff Diebolt <[jeff.diebolt@outlook.com](mailto:jeff.diebolt@outlook.com)>  
**Cc:** Renée Barron <[rbarron@gladstonemi.gov](mailto:rbarron@gladstonemi.gov)>  
**Subject:** RE: Notice of Orders on Condemned Property | 11 S 9th St

Hi Jeff,

To clarify, the only items requiring resolution by June 23, 2023 (Friday) are the bulleted items below (please reference the previous notice I provided yesterday).

- **Secure the *building* from the public by properly blocking off any entry points to the interior of the building.** The specific areas for concern are addressed in the photographs included in the notice. Furthermore, we recommend barricading off the portion of the property under construction from the public to reduce your liability of an accident.
- **Eliminate any materials or equipment from the exterior of the building which could be seen as an attractive nuisance to children**, specifically items such as ladders or scaffolding which can be used as an access point to the beams and/or roof.

Your concerns regarding permitting should be addressed with Jack, as Renee and I only require we have the permits on file to ensure the work being done has gone through the proper channels.

If you have additional questions not related to permitting, please send those over. Once I have them, we can set up an appointment for next week.

Thanks,  
Patricia West

---

**From:** Jeff Diebolt <[jeff.diebolt@outlook.com](mailto:jeff.diebolt@outlook.com)>  
**Sent:** Tuesday, June 20, 2023 3:01 PM  
**To:** Patricia West <[pwest@gladstonemi.gov](mailto:pwest@gladstonemi.gov)>  
**Cc:** Renée Barron <[rbarron@gladstonemi.gov](mailto:rbarron@gladstonemi.gov)>  
**Subject:** Re: Notice of Orders on Condemned Property | 11 S 9th St

Can someone make some time to come onsite in the next few days so we can get specific because things are to va and getting a little to pushy and unrealistic.

I am free except Friday mid morning.

Thanks,

Jeff Diebolt

906-630-1414

On 6/20/2023 1:14 PM, Patricia West wrote:

Hi Jeff,

As Renee mentioned in her separate email, I have mailed out the attached letter to your owner address of 703 Michigan Ave regarding new orders on the property of **11 S 9<sup>th</sup> St.** I've attached the notice of orders to this email as well as a courtesy for you.

The established deadline for resolution has been set for **Friday, June 23, 2023** as outlined in the attached document. Please let me know by email once these orders have been resolved.

As always, please reach out with questions.

Thank you,  
Patricia West  
Code Enforcement Official  
City of Gladstone