The Ordinance Board of Appeals held a public hearing at 7:00 p.m. on April 24, 2017 at the Sterling Heights Municipal Center, 40555 Utica Road, Sterling Heights, MI in the Council Chambers, 586-446-2360. At this meeting the Board (1) considered variance requests of petitioners and (2) conducted hearings on abatement of nuisances relating to the property and property owners itemized on the following agenda.

AGENDA

1. Acting Chairman called the meeting to order at 7:00 pm

2. Roll Call
   John Pitrone - Chairman, Juli Sala - Secretary, Robert Ervin, Benjamin McMarten, Paul Zdzieblowski (excused), Denice Gerstenberg - City Development Director, Paul Geiger - Code Enforcement Officer, Dana Vietto - Recording Secretary

3. Report from City Liaison - Denice Gerstenberg
   a. All petitioners were notified by first class mail about tonight's meeting. Remove the following items from the consent agenda as they have been cleaned up prior to the meeting - G17-0030, G17-0031, G17-0032, G17-0033, G17-0035 & G17-0038.

4. Removal of Consent Items to New Business
   a. Moved item 9 to New Business 9a. G17-0037 Clarin, Manuel & Librada - 5150 Franklin Park Drive
   b. Moved item 12 to New Business 9b. G17-0040 Sterling Manor Condo/Berishaj, Lule - 39417 Van Dyke
   c. Moved item 13 to New Business 9c. G17-0041 PNC Bank, N.A. c/o Orleans Associates, P.C. - 8600 Clinton River Road

5. Approval of Agenda
   Motion by Sala, supported by Ervin, to approve agenda
   Yes: All. Motion carried.

6. Consent Agenda
   Moved by McMarten, supported by Ervin, RESOLVED, to approve the Consent Agenda as amended:
   1. To approve the minutes of the regular meeting of March 27, 2017, as presented.

   2. G17-0034 Equicredit Corp. of America - 11117 Mandale Drive
      RESOLVED, to declare that a public nuisance exists on the property commonly known as 11117 Mandale Drive and to direct the Code Official to abate the violations identified in the attached staff reports which give rise to this finding immediately. The Board also authorizes and approves the imposition of a lien against the property, in the amount of the cost of abatement incurred by the City, as permitted by the applicable city ordinance.

   3. G17-0036 Hollewa, Frank S. & Flora - 39435 Byers Drive
      RESOLVED, to declare that a public nuisance exists on the property commonly known as 39435 Byers Drive and to direct the Code Official to abate the violations identified in the attached staff reports which give rise to this finding immediately. The Board also authorizes and approves the imposition of a lien against the property, in the amount of the cost of abatement incurred by the City, as permitted by the applicable city ordinance.

   4. G17-0039 Quayle, Dennis L. & Jacalyn - Trust - 15032 Rohan Drive
      RESOLVED, to declare that a public nuisance exists on the property commonly known as 15032 Rohan Drive and to direct the Code Official to abate the violations identified in the attached staff reports which give rise to this finding immediately. The Board also authorizes and approves the imposition of a lien against the property, in the amount of the cost of abatement incurred by the City, as permitted by the applicable city ordinance.

   5. G17-0042 Specialized Loan Servicing - 13371 Westminster Drive
      RESOLVED, to declare that a public nuisance exists on the property commonly known as 13371 Westminster Drive and to direct the Code Official to abate the violations identified in the attached staff reports which give rise to this finding immediately. The Board also authorizes and approves the imposition of a lien against the property, in the amount of the cost of abatement incurred by the City, as permitted by the applicable city ordinance.
Ordinance Board of Appeals

April 24, 2017

Regular Meeting

7. Public Hearing

a. G17-0029 Merditaj, Lon - 12208 Prairie Drive

Fence Variance - Asking Board approval to allow a 6ft Vinyl privacy fence on a corner lot one

foot from the sidewalk along Prairie Drive.

Lon Merditaj, owner, was present. Mr. Merditaj stated that he wants to put the fence one foot from the sidewalk to extend his backyard. His backyard is full with a pool and deck. Mr. Pitrone stated that he should make sure of his property lines. Mr. Ervin stated that yard tools can't be stored outside they must be in the garage or shed. Mr. Merditaj stated that he knows. Mr. Sala asked what the existing fence was made of. Mr. Merditaj stated, "Wood." Mr. Pitrone stated that all adjacent property owners were notified. Mr. Pitrone asked if there is a driveway at the neighbors on Prairie drive. Mr. Merditaj stated, "No." Mr. Pitrone asked what the height and color will be. Mr. Merditaj stated the fence will be 6 feet high and white.

Moved by McMartin, supported by Ervin, RESOLVED, to approve case G17-0029 at 12208 Prairie Drive with the following conditions: 1 - that the petitioner agrees to abide by and comply with all applicable rules and regulations and orders of every lawful agency or governing authority having jurisdiction, 2 - that the decision of the Board will remain valid and in force only as long as the facts and information presented to the Board in public hearing are found to be correct and that the conditions upon which the motion is based are maintained as presented to the Board.

Yes: Ervin, McMartin, Pitrone, Sala
No: None. Absent: Zdzieblowski. Motion carried.

8. Old Business

9. New Business

a. G17-0037 Clarin, Manuel & Librada - 5150 Franklin Park Drive

Code Enforcement Officer, Paul Geiger, stated as of today there were some changes to the property. Pictures were shown at this time.

Manuel Clarin, owner, was present. Mr. Clarin stated that he just got back from a three month vacation and was told of the issues. He doesn't live at the property. Mr. Pitrone stated that it takes a long time for a property to like this. It is the owners responsibility. Mr. McMartin stated that in 2014 there was a nuisance abatement. Mr. Clarin stated that he is looking for a carpenter and needs to save up to fix the issues. Mr. Pitrone asked him how long he has been looking for a carpenter. Mr. Clarin stated that he talked to a friend and he is getting him a quote. Mr. Pitrone stated that he has been in front of the Board before and the issues are very clear. Mr. Ervin asked him how long he needs to fix the issues. Mr. Clarin stated he needs 30 days.

Moved by Ervin, to abate after May 22, 2017, No support, Motion Failed

Moved by McMartin, supported by Sala, RESOLVED, to declare that a public nuisance exists on the property commonly known as 5150 Franklin Park Drive and to direct the Code Official to abate the violations identified in the attached staff reports, which give rise to this finding after May 8, 2017. The Board also authorizes and approves the imposition of a lien against the property, in the amount of the cost of abatement incurred by the City, as permitted by the applicable city ordinance.

Yes: Ervin, McMartin, Pitrone, Sala
No: None. Absent: Zdzieblowski. Motion carried.

b. G17-0040 Sterling Manor Condo/Berishaj, Lule – 39417 Van Dyke

Code Enforcement Officer, Paul Geiger, stated as of today there were no changes to the property. Pictures were shown at this time.

Julian Azar, a property owner, was present. Ms. Azar stated that he has called the management company multiple times a week and has gotten no response. The basement is flooded and has horrible smells. Mr. Pitrone stated that this Board can't help them with inside issues only outside issues. Ms. Gerstenberg stated that there are two issues the exterior property maintenance and interior which could be assisted with the building department. They may be able to write the property management company up for
those interior issues. This Board can address exterior issues only. Ms. Gerstenberg stated that this property has been in front of the Ordinance Board of Appeals four times for exterior maintenance issues. The City will be taking this to Circuit Court. We will take everything that happens here as well as anything the building department finds to Circuit Court. A resident asked if they need to go to circuit court too. Ms. Gerstenberg stated, “No.” A resident showed pictures of pipes outside, folding chairs on porches, bbq on balconies, railings off, broken light post, overgrown bushes, sidewalk falling apart, bare grass spots. Another resident stated that the property maintenance guy lives there but does nothing. New tenants are not educated on what to do. There are a lot of LLC owners. There are 80 units and only 26 are owner occupied. The owner of Ike’s owns several units. Mr. Pitrone stated that he hopes they get help but this Board can only help with the outside trash. A resident asked if they can do anything about the concrete. Mr. Pitrone stated not tonight. Mr. Sala stated to all the tenants that he feels their pain. This is a simple case for the Board to get resolved regarding the trash. The city should send another inspector out and work on the other issues. Mr. Pitrone stated they can address the scattered trash throughout the property and add the chairs on porches and the graffiti to the agenda statement.

Moved by Sala, supported by McMarten, RESOLVED, to declare that a public nuisance exists on the property commonly known as 39417 Van Dyke and to direct the Code Official to abate the violations identified in the attached staff reports, which give rise to this finding immediately. The Board also authorizes and approves the imposition of a lien against the property, in the amount of the cost of abatement incurred by the City, as permitted by the applicable city ordinance.

Yes: Ervin, McMarten, Pitrone, Sala  
No: None. Absent: Zdzieblowski. Motion carried.

c. G17-0041  PNC Bank, N.A. c/o Orleans Associates, P.C. - 8600 Clinton River Road  
Code Enforcement Officer, Paul Geiger, stated as of today there were some changes to the property. Pictures were shown at this time.

Attorney for PNC bank was present. The attorney stated that an extension has been requested at this time. Ms. Gerstenberg stated that at this point PNC Bank has been notified and can only request time now from the Ordinance Board of Appeals Board and not from the code enforcement officer. Mr. Ervin asked how much time he needs. The attorney stated thirty days. Mr. McMarten stated that he noticed a boarded window which could attract rodents and banks don’t move quickly. Mr. Pitrone stated that he is not confident that the bank will get the work done in thirty days. Mr. Ervin stated that this is a complaint from adjacent neighbors. Mr. Geiger stated that the bank marked the trees and they did get rid of some debris. Mr. McMarten stated he is leaning towards two weeks.

Moved by McMarten, supported by Ervin, RESOLVED, to declare that a public nuisance exists on the property commonly known as 8600 Clinton River Road and to direct the Code Official to abate the violations identified in the attached staff reports, which give rise to this finding after May 8, 2017. The Board also authorizes and approves the imposition of a lien against the property, in the amount of the cost of abatement incurred by the City, as permitted by the applicable city ordinance.

Yes: Ervin, McMarten, Pitrone, Sala  
No: None. Absent: Zdzieblowski. Motion carried.

9. Public Participation

10. Adjournment  
Motion by McMarten, supported by Ervin to adjourn the meeting.

Yes: All. Motion carried.

The meeting was adjourned at 8:12 pm

Respectfully submitted,

John Pitrone  
Julie Sala