

CITY OF STERLING HEIGHTS
BOARD OF ORDINANCE APPEALS
REGULAR MEETING MINUTES
May 23, 2022

The Board of Ordinance Appeals held a public hearing at 7:00 p.m. on May 23, 2022 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 from the following agenda.

AGENDA

1. Mr. Ervin called the meeting to order at 7:00 p.m.
 2. Roll Call: Robert Ervin – Chairman, James Mandl, Kathleen Martin, Mike Stickney, Julie Windhorst and Jason Castor – City Development Director

Absent: None

Also in attendance: Dana Vietto – Code Enforcement Coordinator
 3. Report from Jason Castor, City Liaison

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: G22-0054, G22-0055 and G22-0059.
 4. Removal of Consent Items to New Business
 - a. Moved item 7 to New Business 9a. G22-0057 Konja Ghazwan & Jamou, Mayada – 11101 Hanna Drive
 - b. Moved item 10 to New Business 9b. G22-0060 Youla, Lahib – 38123 Yonkers Drive
 - c. Moved item 11 to New Business 9c. G22-0061 Denek, Thomas E. – 14839 Annapolis Drive
 - d. Moved item 12 to New Business 9d. G22-0062 GV Properties LLC – 8044 Gage Crescent
 - e. Moved item 15 to New Business 9e. G22-0065 Parvin, Halena & Hossain, Arif – 4837 Burke Court
 5. Approval of Agenda
Motion by Stickney, supported by Martin, to approve agenda.

Yes: All. Absent: None Motion carried.
 6. Consent Agenda
Moved by Stickney, supported by Martin, RESOLVED, to approve the Consent Agenda as amended.

Yes: All Absent: None Motion carried.
1. Approval of the Minutes
Regular Meeting April 25, 2022
 2. G22-0052 Brewer, Charles J. Jr. – 35707 Candlewood Drive
RESOLVED, to declare that a public nuisance exists on the property commonly known as – **35707 Candlewood 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. G22-0053 Nixon, Ruby – 35214 Collingwood Drive
RESOLVED, to declare that a public nuisance exists on the property commonly known as – **35214 Collingwood 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. G22-0056 8384 Metropolitan Parkway Real Estate – 8386 Metropolitan Parkway
RESOLVED, to declare that a public nuisance exists on the property commonly known as – **8386 Metropolitan Parkway** 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. G22-0058 Sackman, Michael – 8202 Irving Road
RESOLVED, to declare that a public nuisance exists on the property commonly known as – **8202 Irving Road** 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.
6. G22-0063 How, Kennedy L. – 42700 Gainsley Drive
RESOLVED, to declare that a public nuisance exists on the property commonly known as – **42700 Gainsley 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.
7. G22-0064 Tim Donut U.S. Limited, Inc. – 42875 Hayes Road
RESOLVED, to declare that a public nuisance exists on the property commonly known as – **42875 Hayes Road** 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.
8. G22-0066 Nowalski, Evelyn – 44616 Mound Road
RESOLVED, to declare that a public nuisance exists on the property commonly known as – **44616 Mound Road** 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.
9. G22-0067 Bank of America Corp – 2405 Metropolitan Parkway
RESOLVED, to declare that a public nuisance exists on the property commonly known as – **2405 Metropolitan Parkway** 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.
10. G22-0068 Yousif, Hani – 2197 Pandora Drive
RESOLVED, to declare that a public nuisance exists on the property commonly known as – **2197 Pandora 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.

7. Public Hearing

- a. G22-0051 Pressler, Daniel & Dana - 33812 Stonewood Drive
Requesting a variance to install a 6' privacy fence more than 10' off the house on a corner lot along Heritage Road – No pool.

Dana Pressler, homeowner, addressed the Board. She explained they would like to replace their chain link fence with a privacy fence which would take it to be beyond 10 feet from the side of the house. They don't want to lose that large section of their yard. They do not have any current plans for a pool but if they stayed there long enough, they would like to put one in.

Mr. Ervin confirmed with Ms. Pressler that they're aware of the 25-foot rule for the corner clearance and the angle. She answered yes. She also stated she has letters from neighbors stating they are in favor of their proposal because it would be more appealing.

Mr. Ervin asked for any questions from the Board. Being none, he asked for public participation. Also being none, he asked for a motion.

Moved by Stickney, supported by Martin, **RESOLVED**, to approve case **G22-0051 at 33812 Stonewood 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, 3 – The fence variance approved today does not take effect until the variance paperwork is returned to the City by the applicant and a fence permit is approved, and 4 –Any violation of these conditions will render the variance void.

Mr. Ervin asked for any comments from the Board. Being none, he asked for a roll call vote.

Yes: Stickney, Martin, Windhorst, Ervin, Mandl

No: None. Absent: None. Motion Carried.

Ms. Pressler indicated she has an appeals permit because she previously submitted the fence permit. She asked if she needs to resubmit a fence permit. Mr. Castor explained she would resubmit with the finalized paperwork to the Building Department and they will process the permit.

8. Old Business

None.

9. New Business

- a. G22-0057 Konja, Ghazwan & Jamou, Mayada – 11101 Hanna Drive
Code Enforcement Coordinator, Dana Vietto, stated as of today there has been contact with the owner and there have been some changes to the property. Pictures were shown at this time.

Ghazwan Konja, homeowner, addressed the Board. He explained the shed has been there for over 10 years. He just bought the house in March and all this is from the previous owner. He is trying to get things cleaned up.

Mr. Ervin asked if he is living in the home or if it is a rental. Mr. Konja indicated he lives there. Mr. Ervin asked how much time he needs to get things corrected. Mr. Konja indicated he is hiring someone and they said about a month. Mr. Ervin asked what his plans were for the shed. He said he would get rid of it.

Mr. Ervin asked the Board for any questions. Being none, he asked for public participation. Also being none, he asked for a motion.

Moved by Stickney, supported by Martin, **RESOLVED**, to declare that a public nuisance exists on the property commonly known as – **11101 Hanna Drive** and to direct the Code Official to abate the violations identified in the attached staff reports which give rise to this finding by June 13, 2022. 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: Stickney, Martin, Windhorst, Ervin, Mandl
No: None Absent: None Motion carried.

b. G22-0060 Youla, Lahib – 38123 Yonkers Drive
Code Enforcement Coordinator, Dana Vietto, stated as of today there has been contact with the owner and there have been some changes to the property. Pictures were shown at this time.

Lahib Youla, homeowner, addressed the Board. He indicated he fixed the fence and displayed a video from his phone. Mr. Ervin asked Mr. Castor if what the video displayed was acceptable. Mr. Castor indicated it would need to be inspected. Mr. Ervin explained **someone from the city's Building Department will come out to inspect the way it is fastened.**

Mr. Ervin asked for any questions from the Board.

Mr. Stickney asked if he owns the property or renting the property. Mr. Youla indicated he owns it and lives there. Mr. Stickney indicated the name was different in the public records. Mr. Youla explained he bought the house in January 2009 and has been living in Sterling Heights since 1995.

Mr. Ervin asked for any further questions. Being none, asked for public participation. Also being none, he asked for a motion.

Moved by Stickney, supported by Martin, **RESOLVED**, to declare that a public nuisance exists on the property commonly known as – **38123 Yonkers Drive** and to direct the Code Official to abate the violations identified in the attached staff reports which give rise to this finding by May 25, 2022. 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.

Mr. Ervin asked for any further comments. Ms. Martin advised Mr. Youla to check on the names listed as owner. Mr. Castor indicated he believes it was a typographical error and it should be fine.

Mr. Youla asked if he will be notified it is approved or not. Mr. Ervin indicated they needed to vote on the motion. Mr. Ervin asked for any further comments. Being none, he asked for a roll call vote.

Yes: Stickney, Martin, Windhorst, Ervin, Mandl
No: None Absent: None Motion carried.

Mr. Ervin explained to Mr. Youla he has until May 25 to call the city so they can have an inspector come out to the house.

c. G22-0061 Denek, Thomas E. – 14839 Annapolis Drive
Code Enforcement Coordinator, Dana Vietto, stated as of today there has been no contact with the owner and there have been no changes to the property. Pictures were shown at this time.

Brian Smith, tenant, addressed the Board. He explained he has been there for 11 years and the porch has been the same since he moved in. He asked for a little time to get estimates to get it fixed.

Mr. Ervin asked the Board for any questions. Being none, asked for public participation. Also being none, he asked for a motion.

Moved by Stickney, supported by Martin, **RESOLVED**, to declare that a public nuisance exists on the property commonly known as – **14839 Annapolis Drive** and to direct the Code Official to abate the violations identified in the attached staff reports which give rise to this finding by June 13, 2022. 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.

Mr. Ervin asked for any comments from the Board. Being none, he asked for a roll call vote.

Yes: Stickney, Martin, Windhorst, Ervin, Mandl
No: None Absent: None Motion carried.

Mr. Ervin explained that he should keep in contact with the code enforcement department as he may not be able to secure a contractor by the deadline. Mr. Smith explained the owner of the property indicated he had not received any notices from the city regarding the violation. Mr. Castor explained it went to an address on Mound in Warren. Mr. Smith then explained the owner of the property is his boss and that address is where their office used to be located. He said they moved about five years ago and are now in Pontiac. Mr. Smith indicated they wanted to make sure the Board new they were not ignoring the notices, they just never received them. Mr. Castor suggested he should contact the assessing department to make the changes for the address.

d. G22-0062 GV Properties LLC – 8044 Gage Crescent
Code Enforcement Coordinator, Dana Vietto, stated as of today there has been contact with the owner but there have been no changes to the property. Pictures were shown at this time.

Manuel Poulsen, homeowner, addressed the Board. He explained he has a contract for the cement to be redone. He indicated he has made the city aware of this multiple times. Mr. Ervin asked if he has a date they are supposed to start. Mr. Poulsen indicated mid-June. Mr. Ervin asked if a permit has been pulled. Mr. Poulsen stated he would have to call the company to find out.

Mr. Ervin asked Mr. Castor if Mr. Poulsen’s contractor pulled a permit, would that put this matter to rest until they pour the concrete. Mr. Castor suggested his contractor should secure a permit as soon as possible.

Mr. Ervin asked for any questions.

Ms. Windhorst asked if they will be pouring concrete on both sides of the driveway. Mr. Poulsen indicated yes and explained it will be a three-car driveway.

Mr. Ervin asked for public participation. Being none, he asked for a motion.

Moved by Stickney, supported by Martin, **RESOLVED**, to declare that a public nuisance exists on the property commonly known as – **8044 Gage Crescent** and to direct the Code Official to abate the violations identified in the attached staff reports which give rise to this finding as follows, permit to be pulled no later than June 1, 2022 and the balance of the case to be put on hold. 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: Stickney, Martin, Windhorst, Ervin, Mandl
No: None Absent: None Motion carried.

e. G22-0065 Parvin, Halena & Hossain, Arif – 4837 Burke Court
Code Enforcement Coordinator, Dana Vietto, stated as of today there has been contact with the owner and there have been changes to the property. Pictures were shown at this time.

Halena Parvin, homeowner, addressed the Board. She indicated some of the issues have been taken care of except for one. She indicated they seeded the long area where the long pipe is. Mr. Ervin indicated the landscape beds need to be taken care of and maintained. Ms. Parvin indicated that has been cut down to ground level. Mr. Stickney asked when the weeds were cut down. Ms. Parvin stated over the weekend. Mr. Stickney asked if there were pictures from today. Ms. Vietto explained she needs to keep the landscaping beds maintained so they are neat with no weeds.

Mr. Ervin asked the Board for any questions.

Mr. Castor asked if they are watering the seeded areas every day. He explained the seed will **not take if it doesn't get enough water to root.** He inquired about the pipe sticking out of the ground and if the plumber will be coming back to cut it down. Ms. Parvin indicated she **didn't want it cut down too far because she needs access to put solutions down it.** She also indicated she is planning to garden around it.

Mr. Ervin asked for any further questions from Board members. Being none, he asked for public participation. Also being none, he asked for a motion.

Moved by Stickney, supported by Martin, **RESOLVED**, to declare that a public nuisance exists on the property commonly known as – **4837 Burke Court** and to direct the Code Official to abate the violations identified in the attached staff reports which give rise to this finding by May 31, 2022. 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: Stickney, Martin, Windhorst, Ervin, Mandl
No: None Absent: None Motion carried.

10. Public Participation
None.

11. Adjournment
Motion by Stickney, supported by Martin, to adjourn the meeting.
Yes: All. Absent: None Motion carried.

The meeting was adjourned at 7:48 p.m.

Respectfully submitted,

Robert Ervin – Chairman
Board of Ordinance Appeals

Julie Windhorst – Secretary
Board of Ordinance Appeals