

CITY OF STERLING HEIGHTS
BOARD OF ORDINANCE APPEALS
REGULAR MEETING MINUTES
June 13, 2022

The Board of Ordinance Appeals held a public hearing at 7:00 p.m. on June 13, 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, Justin Smith, Mike Stickney, Julie Windhorst and Jason Castor – City Development Director

Absent: Kathleen Martin

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: G22-0079, G22-0084 and G22-0087.

4. Removal of Consent Items to New Business

- a. Moved item 5 to New Business 9a. G22-0082 Sultana, Jakia & ET AL – 34359 Giannetti Drive
- b. Moved item 8 to New Business 9b. G22-0085 Kopytek, Nicole D. – 42757 Gainsley Drive
- c. Moved item 9 to New Business 9c. G22-0086 Khoshaba, Khoshaba – 14171 Mary Grove Drive
- d. Moved item 12 to New Business 9d. G22-0089 Crescendo Homes, Inc. – 42295 Parkside Circle

5. Approval of Agenda

Motion by Stickney, supported by Windhorst, to approve agenda.

Yes: All.

Absent: Martin

Motion carried.

6. Consent Agenda

Moved by Stickney, supported by Windhorst, RESOLVED, to approve the Consent Agenda as amended.

Yes: All

Absent: Martin

Motion carried.

1. Approval of the Minutes

Regular Meeting May 23, 2022

2. G22-0080 Howard, Judy Kay (Trust) – 11270 Regal Drive

RESOLVED, to declare that a public nuisance exists on the property commonly known as – **11270 Regal 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. G22-0081 Chowdhury, Popl ET AL Conant Driving School, LLC – 33949 Curcio Court

RESOLVED, to declare that a public nuisance exists on the property commonly known as – **33949 Curcio Court** 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. G22-0083 Karansinski, Richard P. & Angela – 4977 Sanford Drive
RESOLVED, to declare that a public nuisance exists on the property commonly known as –**4977 Sanford 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. G22-0088 Dawood, Ashur – 42431 Mound Road
RESOLVED, to declare that a public nuisance exists on the property commonly known as – **42431 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.

6. G22-0090 Abbas, Wameed & Alnunussairi, Batool – 3554 Marc Drive
RESOLVED, to declare that a public nuisance exists on the property commonly known as – **3554 Marc 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. G22-0078 Martell, Timothy & Sugiyama, Kimi -39731 Parklawn Drive
Requesting a variance to install a 6' privacy fence more than 10' off the house on a corner lot along San Marco Boulevard – No pool.

The homeowner addressed the Board. He indicated they would like to install a privacy fence along the property line. The current chain link fence along the San Marco side is in very poor order. They purchased the home late last year and the chain link fence is no longer attached to the ground. The current privacy fence along the neighbor is leaning, falling, and the posts are rotting. He would like to replace it with a new privacy fence all along the perimeter of the yard.

Mr. Ervin asked if the existing chain link fence will be removed. The homeowner answered yes. Mr. Ervin confirmed that the neighbor behind him, with the San Marco address, their driveway is on the other side and not along the rear property line. The homeowner said that is correct.

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 Windhorst, **RESOLVED**, to approve case **G22-0078** at **39731 Parklawn 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, Windhorst, Ervin, Mandl, Smith
No: None. Absent: Martin. Motion Carried.

The homeowner asked if they ended up changing the color of the stain, would he have to submit paperwork. Mr. Ervin indicated **it would be other than color, it's more the construction** of the fence they are concerned with.

8. Old Business
None.

9. New Business

a. G22-0082 Sultana, Jakia & ET AL – 34359 Giannetti Drive
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.

Mr. Ervin asked if the homeowner was present. They were not. He asked the neighbor if they would like to come to the podium and add anything. They declined.

Mr. Ervin asked for a motion.

Moved by Stickney, supported by Windhorst, **RESOLVED**, to declare that a public nuisance exists on the property commonly known as – **34359 Giannetti 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.

Mr. Ervin asked for any comments from Board members.

Mr. Smith indicated he went by the property today. He explained the homeowners live out of state and there were neighbors cleaning up the property all day. The trampoline is gone, the awning has been removed and the boulder has been removed. He also indicated those that were occupying the house are nearly out.

Mr. Ervin asked for any further comments. Being none, he asked for a roll call vote.

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

b. G22-0085 Kopytek, Nicole D. – 42757 Gainsley Drive
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.

Nicole Kopytek, homeowner, addressed the Board. She displayed a picture from 2012 on her phone and explained she inherited the house in 2013. She indicated the driveway has been like that her whole life. She said she would clean it up but there is probably one to two feet of gravel on that side which was put down probably in 1990. She offered to put **more gravel down and was told she couldn't**. She explained she has a disabled son and her husband is a stay-at-home dad. She is the only one working and things have been very tough. **She doesn't have the money right now to buy pavers either**. She indicated she cleaned up part of the front, put down mulch and is trying to get the rest finished.

Mr. Ervin asked Mr. Castor if he has any suggestions regarding the driveway. Mr. Castor indicated the issue is a vehicle parking on it. A vehicle can only be parked on paved areas. He said they could also park on the street. Ms. Kopytek asked if she put down pavers, could they park on that. Mr. Castor explained she would have to pull a permit and establish it as a driveway which **could be parked on. He stated until that time, don't park on it and maintain it.**

Mr. Ervin asked for a time frame she would need to restore that area. She indicated she could get it cleaned up this weekend but if they gave her more time that would be good.

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

Moved by Stickney, supported by Windhorst, **RESOLVED**, to declare that a public nuisance exists on the property commonly known as – **42757 Gainsley Drive** and to direct the Code Official to abate the violations identified in the attached staff reports which give rise to this finding by July 16, 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 Board members. Being none, he asked for a roll vote.

Yes: Stickney, Windhorst, Ervin, Mandl, Smith

No: None Absent: Martin Motion carried.

c. G22-0086 Khoshaba, Khoshaba – 14171 Mary Grove 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. She stated they submitted a fire repair plan on March 21, 2022. It was denied on March 30, 2022 because they needed more information. As of today, there has been nothing further submitted. Pictures were shown at this time.

Rita Khoshaba, homeowner, addressed the Board. She explained she and her husband **don't leave the house. Her son explained the mower and whatever was in the garage was burned and damaged. They are keeping the bricks to use because they won't be able to get bricks to match the house.**

Mr. Ervin indicated the case was before this Board last year. He asked who was doing the repairs on the property because there was a permit which was denied in March. The son **stated they hired a contractor. Mr. Ervin indicated the contractor doesn't have a permit to do any of the work he is doing.** Mr. Ervin then asked where are they with the insurance company. The son explained they received part of the settlement but 25% of the house has to be done before they will write the other checks to repair the house.

Mr. Ervin explained they need permits and the contractor they hire needs to pull them for any type of activity which goes on at the property. He indicated there is a great liability the way it is. He asked Mr. Castor for comment.

Mr. Castor explained they need the contractor to pull the permit with the city so things can be taken care of.

Ms. Khoshaba explained they went to the city and paid for the permit and haven't received one. Her son explained it was denied but they weren't given a reason so the contractor decided to take down the garage because it was going to collapse. Mr. Castor explained that doing work without a permit is potentially a violation which gets ticketed and could end up in court. He strongly encouraged them to get the permit and follow through with the process.

He suggested they reach out to the building department the next day at 8:30 a.m. The son asked about the gravel area and said it has been like that since at least 2012. Mr. Castor explained it can remain gravel but has to be maintained and it can not be parked on. The son also explained no one has lived in the house since the fire on October 31st. The inside is completely gutted. He stated the only work which has been done is the garage was taken down and the grass was cut. Mr. Castor explained the property has to be maintained whether someone is living there or not. The son explained the neighbor is going to be replacing his fence and offered **to help with theirs. Mr. Castor stated they don't have to** repair the fence, if it is in disrepair they can just remove. Same would be for the shed. Ms. Khoshaba explained they have tried to get the contractor to the house more often but he **doesn't come**. She stated they will make sure the grass is cut every week. Mr. Castor suggested they may need to look for another contractor.

Mr. Ervin asked the Board for any questions.

Mr. Stickney asked about the contractor friend they've mentioned and asked if he is licensed. Ms. Khoshaba answered yes. Mr. Stickney also suggested they talk to the insurance company to get another contractor. Ms. Khoshaba indicated the insurance company gave them some of the money but said they would need to find the contractor.

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

Moved by Stickney, supported by Windhorst, **RESOLVED**, to declare that a public nuisance exists on the property commonly known as – **14171 Mary Grove 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.

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

Yes: Stickney, Windhorst, Ervin, Mandl, Smith

No: None Absent: Martin Motion carried.

d. G22-0089 Crescendo Homes, Inc. – 42295 Parkside Circle

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.

Kimberly Twarowski, 42455 Utica Road, addressed the Board. She indicated she lives behind the wall of the complex. They have lived there for 20 years. She stated her main complaint is the water not draining. She displayed pictures and explained there is a drainage problem. One of the things Mr. Serafino told her is they needed to get equipment back there but it was too wet, she indicated it is always wet. She also explained it is not **usually bad in the fall and this last fall was so bad they couldn't do anything with the leaves.**

Mr. Ervin asked if there was any other public participation. Being none, he asked for a motion.

Moved by Stickney, supported by Windhorst, **RESOLVED**, to declare that a public nuisance exists on the property commonly known as – **42295 Parkside Circle** 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: Stickney, Windhorst, Ervin, Mandl, Smith

No: None Absent: Martin Motion carried.

10. Public Participation
Ms. Twarowski asked what happens next regarding 42295 Parkside Circle. Mr. Ervin explained the city will get a hold of their contractor to remedy the current problems.
11. Adjournment
Motion by Stickney, supported by Windhorst, to adjourn the meeting.
Yes: All. Absent: Martin Motion carried.

The meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Robert Ervin – Chairman
Board of Ordinance Appeals

Julie Windhorst – Secretary
Board of Ordinance Appeals