

CITY OF STERLING HEIGHTS
BOARD OF ORDINANCE APPEALS
REGULAR MEETING MINUTES
July 11, 2022

The Board of Ordinance Appeals held a public hearing at 7:00 p.m. on July 11, 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: G22-0117 and G22-0126.

4. Removal of Consent Items to New Business
 - a. Moved item 2 to New Business 9a. G22-0111 Fannie Mae – 40550 Colony Drive
 - b. Moved item 3 to New Business 9b. G22-0112 Daly, Christopher J. – 8974 Independence Drive
 - c. Moved item 4 to New Business 9c. G22-0113 Giovanardi, Paul, Bianca & Frank – 15170 Pietra Drive
 - d. Moved item 10 to New Business 9d. G22-0119 Almonte, Jessica Balde Belliard – 5279 Croton Drive
 - e. Moved item 12 to New Business 9e. G22-0121 Asso, Faiz - 37733 Juniper Drive
 - f. Moved item 14 to New Business 9f. G22-0123 Mekari, Milad & Norma – 14516 Alpena Drive
 - g. Moved item 18 to New Business 9g. G22-0127 Williamson, James & Terry – 11956 Nineteen Mile Road
 - h. Moved item 19 to New Business 9h. G22-0128 Gardella, John – 42003 Utah Drive

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 June 28, 2022

2. G22-0114 Kamali, Faizul – 36252 Tindell Drive
 - RESOLVED, to declare that a public nuisance exists on the property commonly known as – **36252 Tindell 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. G22-0115 Sterling Woods Party Store – 14380 Fifteen Mile Road
RESOLVED, to declare that a public nuisance exists on the property commonly known as – **14380 Fifteen Mile 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.

4. G22-0116 Sherwood Plaza Properties, LLC – 4155 Fourteen Mile Road
RESOLVED, to declare that a public nuisance exists on the property commonly known as – **4155 Fourteen Mile 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.

5. G22-0118 Williams, Darrell – 5571 Kreger Street
RESOLVED, to declare that a public nuisance exists on the property commonly known as – **5571 Kreger Street** 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. G22-0120 Ghassan, Lina – 4450 Fox Hill Drive
RESOLVED, to declare that a public nuisance exists on the property commonly known as – **4450 Fox Hill 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. G22-0122 Porzondek, Frank & Mary – 8410 Tinkler Road
RESOLVED, to declare that a public nuisance exists on the property commonly known as – **8410 Tinkler 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. G22-0124 Garreffa, Bruno & Leia – 13980 Amanda Drive
RESOLVED, to declare that a public nuisance exists on the property commonly known as – **13980 Amanda 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.

9. G22-0125 Kirkwood, Vance & Essence – 13920 Coldwater Drive
RESOLVED, to declare that a public nuisance exists on the property commonly known as – **13920 Coldwater 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. G22-0109 Butrus, Yousif -38125 Mount Kisco Drive
Requesting a variance to install a 6' privacy fence more than 10' off the house on a corner lot along Peekskill Drive – No pool.

Yousif Butrus addressed the Board. He indicated the old fence was rotten and he wants to replace it with a new privacy fence.

Mr. Ervin stated he was out at the property and asked if that was the fence he was looking at. Mr. Butrus explained **he didn't know he needed a permit because he already had a fence.** When he received the notice, he stopped. Mr. Ervin asked if he will be extending the fence. Mr. Butrus indicated he was going to put up one more panel and a gate. Mr. Ervin confirmed he was not doing anything on the **neighbor's** side or to the other side. Mr. Butrus indicated that was 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 Martin, **RESOLVED**, to approve case **G22-0109** at **38125 Mount Kisco 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.

- b. G22-0110 Sharp, Jessica – 40285 Tonabee Court
Requesting a variance to install a 6' privacy fence more than 10' off the house on a corner lot along Tonabee Drive/Shakespeare Drive – No pool.

Jessica Sharp addressed the Board. She explained currently there is a picket fence on the property which is uneven, has no gate, and no security. They decided on a privacy fence because it was aesthetically pleasing.

Mr. Ervin talked about the requirements for visibility and Ms. Sharp agreed.

Mr. Stickney asked if they will be taking the picket fence down. Ms. Sharp answered yes.

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

Richard Seefeldt, **40302 Shakespeare Dr., addressed the Board. He doesn't believe the privacy fence is appropriate for the neighborhood.**

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

Moved by Stickney, supported by Martin, **RESOLVED**, to approve case **G22-0110** at **40285 Tonabee Court** 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.

8. Old Business
None.

9. New Business

a. G22-0111 Fannie Mae – 40550 Colony 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. She indicated there was a letter submitted from a Fannie Mae representative stating they could not come to the meeting today. They communicated a timeline of what was going on at the property and **how they are starting an eviction. They don't have a date the eviction will take place as it is in the court's hands now.** Pictures were shown at this time.

Mr. Ervin asked if anyone was present to speak about the property. 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 – **40550 Colony 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. Being none, he asked for a roll call vote.

Yes: Stickney, Martin, Windhorst, Ervin, Mandl

No: None Absent: None Motion carried.

b. G22-0112 Daly, Christopher J. – 8974 Independence Drive
Code Enforcement Coordinator, Dana Vietto, stated as of today there has been no contact with the owner and there have been some changes to the property. Pictures were shown at this time.

Vaishali Thakkar, representing HP Snap Downriver, LLC, addressed the Board. She explained they bought the property on March 17th and they just received possession. They have changed the lockbox and had a dumpster delivered. They are doing the clean out and pulled permits needed to fix up to sell. She indicated she would take care of the things within the next 48 hours. She displayed pictures to show the dumpster and some progress. She **indicated the citations were in the previous owner's name but she called the city herself to get things taken care of.**

Mr. Stickney asked when the dumpster will be removed. Ms. Thakkar indicated Thursday is the pickup and after that she will make sure everything has been taken care of. Mr. Stickney asked if it will be taken care of the July 15th. Ms. Thakkar answered yes.

Mr. Ervin asked for any questions from the Board. 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 – **8974 Independence 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 15, 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, Martin, Windhorst, Ervin, Mandl

No: None Absent: None Motion carried.

c. G22-0113 Giovanardi, Paul, Bianca & Frank – 15170 Pietra 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.

Ghasan Rayes, 14763 Brewster Court, Shelby Twp, addressed the Board. He explained this property is a foreclosure **and he is the Sheriff's deed holder**. He indicated he has tried to reach out to the homeowner and gets no response. He stated he cannot touch his property. Mr. Ervin asked how close he is to acquiring the property. Mr. Rayes indicated approximately April 28th. They have six months based on the foreclosure for the county.

Mr. Ervin asked the Board for any questions. Being none, he asked for public participation.

Michael Zaglewski, 15153 Renda Drive, addressed the Board. He lives behind the property. He is concerned about blight in the neighborhood. He believes they closed on the house on May 19th **and there hasn't been anything done since**.

Mr. Ervin asked for any further 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 – **15170 Pietra 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, Martin, Windhorst, Ervin, Mandl

No: None Absent: None Motion carried.

d. G22-0119 Almonte, Jessica Balde Belliard – 5279 Croton 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.

Jessica Belliard-Almonte, homeowner, addressed the Board. She indicated her husband does landscaping and sometimes the debris comes back to the house. They moved the gravel to the back shed area. They have an active permit for a patio in the backyard which they are currently working on, it expires on July 23, 2022. The wiring is for the patio. They will repair the concrete in the front when they pour concrete for the patio.

Mr. Ervin asked about the wood being improperly stored. She explained they looked up the regulations and are finishing getting it stored properly. Mr. Ervin then asked about the partial sod in the front yard. Ms. Belliard-Almonte indicated there is more there now but about one strip to finish. Mr. Ervin asked when they might be finished with all the items on the list. Ms. Belliard-Almonte asked if they could have until this Friday.

Mr. Ervin asked for any questions from the Board. Ms. Martin asked about the wood stored in the driveway next to the boat. Ms. Belliard-Almonte indicated it is not there anymore.

Ms. Vietto indicated the area (where the boulder was) needs to be restored to grass. Ms. Belliard-Almonte answered ok.

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 – **5279 Croton 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 15, 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.

e. G22-0121 Asso, Faiz - 37733 Juniper Drive

Code Enforcement Coordinator, Dana Vietto, stated as of today there has been no contact with the owner but there have been some changes to the property. Pictures were shown at this time.

Faiz Asso, homeowner, addressed the Board. He explained he is a truck driver and was out of town. He lives elsewhere but his parents live there. He indicated he had them start cleaning out the weeds. He also hired the grass guy to put down weed killer. He was unaware the depression next to the driveway was a violation and indicated he would take care of it. Mr. Ervin asked how much time he needs to take care of the issues. Mr. Asso asked for the rest of the week.

Mr. Ervin asked for 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 declare that a public nuisance exists on the property commonly known as – **37733 Juniper 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 15, 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.

f. G22-0123 Mekari, Milad & Norma – 14516 Alpena 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.

Milad Mekari, homeowner, addressed the Board. He explained he cleaned things up. The pictures from today were shown again and Mr. Ervin explained all the bushes still need to be trimmed. Mr. Mekari did not understand what needed to be done.

Mr. Ervin asked for 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 declare that a public nuisance exists on the property commonly known as – **14516 Alpena 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.

Yes: Stickney, Martin, Windhorst, Ervin, Mandl

No: None Absent: None Motion carried.

g. G22-0127 Williamson, James & Terry – 11956 Nineteen Mile Road
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.

Kevin Perkins addressed the Board. He explained he tries to keep it cleaned up and the **property has been like this for 40 years and never had a problem. He indicated he doesn't** understand what the problem is. Mr. Ervin asked how much time he needed to take care of the issues. Mr. Perkins asked for about a week.

Mr. Ervin asked for 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 declare that a public nuisance exists on the property commonly known as – **11956 Nineteen Mile 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.

Yes: Stickney, Martin, Windhorst, Ervin, Mandl

No: None Absent: None Motion carried.

h. G22-0128 Gardella, John – 42003 Utah 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.

John Gardella, homeowner, addressed the Board. He explained the damage is from storms and **he didn't want to fix the little portion of the siding** because it all needs to be replaced. **He also had an estimate for the fence and they wanted \$1000. He indicated he doesn't** have the money right now so is going to try and fix the fence himself. He indicated the pool is not open.

Mr. Ervin suggested he make the repairs on the siding to match the best he can right now and to fix the fence. He asked how much time he needs to get it done. Mr. Gardella asked for about a couple weeks.

Mr. Stickney asked if this damage is from storms, is the insurance company involved. Mr. Gardella stated he didn't realize he should contact them and was appreciative for the suggestion.

Mr. Ervin asked for further 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 declare that a public nuisance exists on the property commonly known as – **42003 Utah Drive** and to direct the Code Official to abate the violations identified in the attached staff reports which give rise to this finding by August 15, 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 8:30 p.m.

Respectfully submitted,

Robert Ervin – Chairman
Board of Ordinance Appeals

Julie Windhorst – Secretary
Board of Ordinance Appeals