

CITY OF STERLING HEIGHTS
BOARD OF ORDINANCE APPEALS
REGULAR MEETING MINUTES
July 25, 2022

The Board of Ordinance Appeals held a public hearing at 7:00 p.m. on July 25, 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 Dana Vietto, Code Enforcement Coordinator

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: G22-0148, G22-0150, G22-0153 and G22-0158.

4. Removal of Consent Items to New Business

- a. Moved item 2 to New Business 9a. G22-0143 Winchester, Sharon, M. – 40549 Colony Drive
- b. Moved item 4 to New Business 9b. G22-0145 Powell, Harold S. Jr. & Tillman, K. – 5355 Botsford Avenue
- c. Moved item 5 to New Business 9c. G22-0146 Sky Three, Inc. – 8220 Irving Road
- d. Moved item 8 to New Business 9d. G22-0149 Nischalke, Steven J. – 13321 Roxbury Drive
- e. Moved item 13 to New Business 9e. G22-0154 Jolagh, Fadi – 4309 Turmeric Drive
- f. Moved item 14 to New Business 9f. G22-0155 Blattert, Gary & Judy – 11050 Windmill Court

5. Approval of Agenda

Motion by Mr. Stickney, supported by Ms. Martin, to approve agenda.

Yes: All

Absent: None

Motion carried.

6. Consent Agenda

Moved by Mr. Stickney, supported by Ms. 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. G22-0144 Nugget Plaza Corporation – 4101 Seventeen Mile Road

RESOLVED, to declare that a public nuisance exists on the property commonly known as **–4101 Seventeen 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.

3. G22-0147 Skiver, Jessica – 4979 Mindy Lynn Drive
RESOLVED, to declare that a public nuisance exists on the property commonly known as **–4979 Mindy Lynn 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. G22-0151 Kassab, Joseph & Kassab, Anthony – 13641 Breezy Drive
RESOLVED, to declare that a public nuisance exists on the property commonly known as **– 13641 Breezy 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. G22-0152 Hayes, Joseph – 8820 Hamilton East Drive
RESOLVED, to declare that a public nuisance exists on the property commonly known as **– 8820 Hamilton East 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.

6. G22-0156 IEI Properties, LLC – 3047 Fourteen Mile Road
RESOLVED, to declare that a public nuisance exists on the property commonly known as **– 3047 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.

7. G22-0157 Ladach, Thomas A. – 3463 Rhoten Drive
RESOLVED, to declare that a public nuisance exists on the property commonly known as **– 3463 Rhoten 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.

8. G22-0159 Sheehan, Michael & Nancy – 12829 Jasmine Court
RESOLVED, to declare that a public nuisance exists on the property commonly known as **– 12829 Jasmine 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.

9. G22-0160 Adams, Lisa – 43214 Penny Drive
RESOLVED, to declare that a public nuisance exists on the property commonly known as **– 43214 Penny 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
None.
- 8. Old Business
None.
- 9. New Business

a. G22-0143 Winchester, Sharon, M. – 40549 Colony Drive
Code Enforcement Coordinator, Dana Vietto, stated as of today there has been contact with the owner's **daughter** and there have been some changes to the property. Pictures were shown at this time.

Jeffrey Toll, representing the daughter of the owner, addressed the Board. He explained the owner is deceased and they would like another week to get things cleaned up. Someone started working on the property today.

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 Mr. Stickney, supported by Ms. Martin, **RESOLVED**, to declare that a public nuisance exists on the property commonly known as – **40549 Colony 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 1, 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 call vote.

Yes: Stickney, Martin, Windhorst, Ervin, Mandl

No: None Absent: None Motion carried.

b. G22-0145 Powell, Harold S. Jr. & Tillman, K. – 5355 Botsford Avenue
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.

Harold S. Powell, Jr., homeowner, addressed the Board. He displayed pictures he took today of the cut grass in the backyard and no tarp being on the roof. He said he still needs to take care of the peeling paint on the railings. Mr. Ervin asked if the big tree branch is still in the backyard. Mr. Powell indicated it was and he stated he just acquired a chainsaw and will cut it up to dispose of it. Mr. Ervin asked if the roof had been repaired. Mr. Powell explained he had leaks where two recessed light fixtures are and he had the leaks repaired. Mr. Ervin asked **about the outside storage and explained he can't store stuff on the side of the house or garage. Mr. Powell stated he didn't understand what was there.** Pictures were displayed and he said he would take care of it. Mr. Ervin asked how long he needed to complete the clean-up. Mr. Powell stated by the weekend.

Ms. Martin asked if the riding lawn mower (in the picture) was his. Mr. Powell answered yes **and stated he didn't have it for almost two years but now he has it back and it is fixed.**

Mr. Stickney asked if they live in the home. Mr. Powell answered yes, with his wife and their **two children. Mr. Stickney asked if the backyard didn't get taken care of because he didn't** have any way to mow it. Mr. Powell said yes and indicated his neighbor helped him out with cutting the front lawn.

Ms. Vietto stated the back grass was extremely long and asked if the clippings are still on the ground or if he raked them up. Mr. Powell said he would be raking it tomorrow.

Mr. Ervin asked for a motion.

Moved by Mr. Stickney, supported by Ms. Martin, **RESOLVED**, to declare that a public nuisance exists on the property commonly known as – **5355 Botsford Avenue** and to direct the Code Official to abate the violations identified in the attached staff reports which give rise to this finding by July 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.

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. G22-0146 Sky Three, Inc. – 8220 Irving Road
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.

Talal Yelda, owner of the property, addressed the Board. With him was his son, Jalal who is the manager. He explained he purchased the property a few months ago and it is still vacant. They just applied to the city to make it a banquet hall. He explained the trees are not fully dead so they just cut off the dead parts. Mr. Ervin explained there is a landscape plan for the property and if something dies it has to be replaced with a similar tree. Mr. Ervin asked about the peeling paint and indicated it needed to be touched up. Mr. Yelda said he was waiting for the city to let them know if they could run a banquet hall and then he will be redoing the outside of the building. Mr. Ervin indicated he should try to touch up those few spots as best he can. He asked how much time they need to complete the items. Mr. Yelda asked for about a week.

Mr. Ervin asked the Board for any questions.

Mr. Stickney suggested he let the city know he is the new owner of the property. Mr. Yelda said he did and they have the correct mailing address. Mr. Stickney asked when they purchased the property. Mr. Yelda stated April 21, 2022.

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

Moved by Mr. Stickney, supported by Ms. Martin, **RESOLVED**, to declare that a public nuisance exists on the property commonly known as – **8220 Irving Road** and to direct the Code Official to abate the violations identified in the attached staff reports which give rise to this finding by July 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.

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. G22-0149 Nischalke, Steven J. – 13321 Roxbury Drive
Code Enforcement Coordinator, Dana Vietto, stated as of today there has been contact no from the owner and there have been no changes to the property. She asked the Board for a standing order for this property and explained this property has been sent to the Board 8 times in the last 7 years, two times just this year. Over the last 7 years there have been 29 enforcement cases at this property, 21 were for landscape maintenance and 7 for outdoor storage.

This property is a constant problem with trash and debris, outdoor storage, and landscape maintenance issues. This property is subject to ongoing monitoring by Code Enforcement due to the frequency of violations and complaints we receive. Since 2015, the City has billed the property owner well over \$5,500 for code related issues. The property owner has been contacted several times regarding the constant violations at their property. Properties in the area are negatively impacted by the lack of regard for property maintenance at this property, and have regularly sought assistance from the City with enforcement of the Property Maintenance Code. We have consulted with the City Attorney to address properties like this one that tend to have frequent violations, and the City Attorney has prepared motion language that the Board can use, if it chooses to do so, in **order to create a "standing order" for the City to abate future violations with reduced notice time.** That language has been handed out to each of you tonight for your consideration. The Board has the discretion to decide how long the ongoing review should last, and how much notice should be provided every time a new violation is found. Pictures were shown at this time.

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

Moved by Ms. Windhorst, supported by Ms. Martin, **RESOLVED**, to declare that a public nuisance exists on the property commonly known as – **13321 Roxbury Drive** and to direct the Code Official to abate the following violations identified by the Code Official during the hearing on this matter. The violations shall be abated immediately. The Board further finds that the evidence demonstrates a history of ongoing violations at the property relating to property maintenance and other nuisance conditions, requiring frequent follow-up and nine (9) prior meetings of this Board within the past seven years to address such conditions in order to ensure a safe and compliant site. The cost of remediating the frequent violations has exceeded \$5,500.00.

Therefore, due to the public interest in minimizing the significant public resources and staff time required to repeatedly address recurring and new violations at the site by scheduling additional hearings before this Board, as well as the public interest and the interest of the neighbors of this site in expeditiously eliminating public nuisance and blight conditions that are detrimental to the public health, safety, or welfare, the Code Official is hereby authorized and ordered to do the following:

1. Regularly monitor the site during the next 365 days.
2. Upon discovering any new or recurring code violation(s) during that time period, the Code Official shall issue notice of the violation(s) to the owner or party responsible for the site in accordance with the notice requirements of Section 11-142 of the City Code, with the following modifications:
 - a. The notice shall afford one (1) full business day to cure the violation.
 - b. The Code Official shall conspicuously tag or sticker the item(s) that are to be removed or relocated (or affix the tag as near as possible to the item(s)) to achieve code compliance.
 - c. If the violation has not been cured upon re-inspection after expiration of the allotted timeframe, the Code Official shall cause the violation(s) to be abated without a need for another hearing before this Board, and the property owner shall be invoiced in accordance with Section 11-142(G) of the City Code.

The Board also authorizes and orders the imposition of a lien against the property, in the amount of the cost of abatement incurred by the City, for each abatement performed by the City pursuant to this Order of the Board, pursuant to Section 11-142(G) of the City Code.

Yes: Windhorst, Martin, Ervin, Mandl, Stickney

No: None Absent: None Motion carried.

e. G22-0154 Jolagh, Fadi – 4309 Turmeric 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. The owner could not be present but submitted a letter to request one more week to get things done. Pictures were shown at this time.

Mr. Ervin read the letter from Andy. Mr. Ervin indicated there was no public participation and asked for a motion.

Mr. Stickney commented this property had a BOA violation last year and the initial inspection was June 15 for the current violation.

Moved by Mr. Stickney, supported by Ms. Martin, **RESOLVED**, to declare that a public nuisance exists on the property commonly known as – **4309 Turmeric 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.

f. G22-0155 Blatter, Gary & Judy – 11050 Windmill Court

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.

Judy Blatter, homeowner, addressed the Board. She was contacted in March by Dawn of **the city's Shine program** and notified of the senior program and they were going to do the berm. She was told it would start in May and she would be one of the first ten. It was postponed until June then July. The Shine program is having trouble getting volunteers. **She didn't understand one of the violations for the grass because she is on the city's grass cutting program for low-income people.** She indicated that Dawn said someone would be out Wednesday.

Mr. Ervin asked for questions from the Board. Being none, he stated there was no public present. He then asked for a motion.

Moved by Mr. Stickney, supported by Ms. Martin, **RESOLVED**, to declare that a public nuisance exists on the property commonly known as – **11050 Windmill Court** and to direct the Code Official to abate the violations identified in the attached staff reports which give rise to this finding by August 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.

Yes: Stickney, Martin, Windhorst, Ervin, Mandl

No: None Absent: None Motion carried.

10. Public Participation
None

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

The meeting was adjourned at 7:58 p.m.

Respectfully submitted,

Robert Ervin – Chairman
Board of Ordinance Appeals

Julie Windhorst – Secretary
Board of Ordinance Appeals