

CITY OF STERLING HEIGHTS
BOARD OF ORDINANCE APPEALS
REGULAR MEETING MINUTES
August 22, 2022

The Board of Ordinance Appeals held a public hearing at 7:00 p.m. on August 22, 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, and Julie Windhorst

Absent: None

Also in attendance: Jason Castor – City Development Director and 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: G22-0206, G22-0209, and G22-0210.
 4. Removal of Consent Items to New Business
 - a. Moved item 2 to New Business 9a. G22-0205 Bazi, Iman & Nestoris – 4215 Bieber Drive
 - b. Moved item 4 to New Business 9b. G22-0207 Khalil, Nahla – 34555 Giannetti Drive
 - c. Moved item 9 to New Business 9c. G22-0212 Augustin, Aivan – 33449 Clifton Drive
 - d. Moved item 10 to New Business 9d. G22-0213 Rudzinski, Marilyn – 36227 Lamarra Drive
 - e. Moved item 12 to New Business 9e. G22-0215 Yaldo, R., Petrus, S. & Shamou, K. – 2315 Michael Drive
 5. Approval of Agenda
Moved 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 August 8, 2022
 2. G22-0208 Schmelzle, Jacqueline – 34574 Greentrees Road
RESOLVED, to declare that a public nuisance exists on the property commonly known as – **34574 Greentrees 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. G22-0211 Chowdhury, Abdur – 3124 Alden Drive
RESOLVED, to declare that a public nuisance exists on the property commonly known as **-3124 Alden 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. G22-0214 Yousif, Faik – 2131 Logan Drive
RESOLVED, to declare that a public nuisance exists on the property commonly known as **-2131 Logan 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. G22-0216 43130 Utica, LLC – 43130 Utica Road
RESOLVED, to declare that a public nuisance exists on the property commonly known as **-43130 Utica 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. Public Hearing

- a. G22-0203 Elias, Firas & Joseph-Jean, Hadeer – 35105 Wright Circle
Requesting a variance to install a 6' privacy fence more than 10' off the house on a corner lot along Wright Circle – no pool.

Mr. Ervin stated no one was present for this case. He asked for a postponement.

Moved by Stickney, supported by Martin, **RESOLVED**, to postpone case **G22-0203 at 35105 Wright Circle** to the next scheduled meeting.

Yes: Stickney, Martin, Windhorst, Ervin, Mandl

No: None

Absent: None

Motion Carried.

- a. G22-0204 Mislivec, Michael – 35550 Moravian Drive
Requesting a variance to install a 6' privacy fence more than 10' off the house on a corner lot along Hayes Road – no pool

Michael Mislivec, homeowner, addressed the Board. He indicated he has lived there for 18 years and always wanted to put a fence up along Hayes to block vehicle noise. His property is on the corner of Hayes and Moravian.

Mr. Ervin asked if the proposed fence would run where the current two-rail fence is. Mr. Mislivec answered yes and stated he is going to put a shorter fence where there needs to be sight clearance. Mr. Ervin asked if the property line is where the two-rail fence is currently. Mr. Mislivec answered yes. Mr. Mislivec asked about the 25-foot sight clearance and if he would be able to get that reduced to a 10-foot sight clearance. Mr. Ervin explained there is a plan to eventually put a sidewalk along Hayes. He asked Mr. Castor to comment. Mr. Castor explained because there will be a sidewalk there, and if it was reduced it could potentially put future pedestrians at a disadvantage walking along that sidewalk.

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 **G22-0204** at **35550 Moravian 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.

8. Old Business
None.

9. New Business

a. G22-0205 Bazi, Iman & Nestoris – 4215 Bieber 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.

Iman Bazi, homeowner, addressed the Board. **The homeowner's** son explained they have taken down most of the structure and left the roof part because they are applying for a permit for an awning. They are working on cleaning up the debris. There was discussion regarding the fence separating the yard from the garden area. Mr. Castor explained they need a separate permit for a screening fence. He also indicated they need to maintain it and put in the top rails, etc.

Mr. Ervin asked how much time they need to complete the cleanup. The son explained they can really only work at it on weekends and asked for about three weeks.

Mr. Ervin asked for any questions from the Board.

Mr. Stickney asked if they have a garage and can put any of the debris in there. The son answered yes and explained they are putting some things in there but are working on getting rid of other **things in there too**. **Mr. Stickney asked why they haven't tried to call the city with specific questions**, for instance about the fence. Ms. Bazi indicated she did in the past and got a permit for the fence.

Mr. Ervin asked for any further 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 – **4215 Bieber Drive** and to direct the Code Official to abate the violations identified in the attached staff reports which give rise to this finding by September 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. G22-0207 Khalil, Nahla – 34555 Giannetti 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.

Karim Sinanovic, tenant, addressed the Board. He explained they have been working on the issues. They have someone scheduled to do the painting on September 15th. He explained they will take care of the weeds. Mr. Ervin asked about the restoration of the lawn. He explained someone came and sprayed strong chemicals on the lawn. They tried **putting seed down and it wouldn't take. They found out it will take about a year for the soil** to be remediated in those areas. Mr. Ervin suggested to remove some of the soil and put sod down. Mr. Ervin asked how much time he needed to clean up the weeds and restore the lawn areas. Mr. Sinanovic stated he could get the weeds cleaned up by the weekend but he will have to find out about the lawn.

Mr. Stickney asked who owns the property. Mr. Sinanovic stated Nahla Khalil but she **couldn't come. Mr. Stickney asked if he has a written rental agreement, as far as** maintenance. Mr. Sinanovic answered not for maintenance.

Mr. Ervin asked for any other 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 – **34555 Giannetti Drive** and to direct the Code Official to abate the violations identified in the attached staff reports which give rise to this finding: landscape maintenance by September 1, 2022 and painting the trim by September 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 call vote.

Yes: Stickney, Martin, Windhorst, Ervin, Mandl

No: None Absent: None Motion carried.

Mr. Sinanovic asked if he replaces the top soil and shows proof it's been done, he doesn't know how long it will take for the grass to grow and doesn't want to get penalized again for that. Mr. Ervin indicated if he puts in sod in those areas, to give the inspector or the code enforcement department a call and they can come out and review it.

c. G22-0212 Augustin, Aivan – 33449 Clifton 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.

Mr. Ervin stated the homeowner was not present but a neighbor wanted to speak about the property.

Robert Kranson, 33461 Clifton, addressed the Board. He explained this property has been through a few renters over the past couple years. He has cut the grass a few times on his own and his kids have even done landscaping cleanup **over there without being paid.** He's started to see critters come around and is concerned the house is unoccupiable. He understands the last renters left because there was a mold issue. He was in the house with the owner checking that out and he did not see any mold. The place has been sitting empty for about 10 months. He asked what the city might have in mind for the house.

Mr. Ervin explained they just get the backup material for the property and asked Mr. Castor to comment. Mr. Castor explained handling the exterior of the property is easier for them to handle rather than getting into the home. They would need to track down ownership and have them let the city in the home for inspection or if there is no contact with the owner, they would have to go through court proceedings in order to get in the home. He indicated it is something they can look into.

Mr. Kranson explained they have been good the last two weeks about cutting the lawn but he is concerned when winter comes it could bring on other problems if the home is unoccupied. They have dealt with a lot over the past five years.

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 – **33449 Clifton 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. G22-0213 Rudzinski, Marilyn – 36227 Lamarra 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 indicated the homeowner was unable to attend the meeting but submitted a letter which outlined their plan for each item and they asked for a little more time. Pictures were shown at this time.

Mr. Ervin explained the letter from the homeowner asked for a week extension to finish the cleanup.

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

Mr. Stickney pointed out that the initial inspection was March 18th. The email (letter) received from the owner was at 12:03 p.m. today.

Moved by Mr. Stickney, supported by Ms. Martin, **RESOLVED**, to declare that a public nuisance exists on the property commonly known as – **36227 Lamarra 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.

e. G22-0215 Yaldo, R., Petrus, S. & Shamou, K. – 2315 Michael 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.

Ron Yaldo, homeowner, addressed the Board. He indicated he was confused about which tree, talked to inspectors, and will have a tree service schedule to cut down the tree. Mr. Ervin asked if he has a date from the tree company. Mr. Yaldo stated they were supposed to do it this Friday but is having problems with him. He is in the process of looking for another company. **If he can't find a company, he will try to do it himself.**

Mr. Ervin asked how much time he needs to complete it. Mr. Yaldo asked for 10 to 14 days.

Mr. Ervin asked for any further questions from the Board.

Mr. Stickney asked about the trees. Mr. Yaldo explained he cut part of another one and **didn't realize it was the big pine tree. Mr. Stickney inquired about him not noticing the big dead tree. Mr. Yaldo said it had been like that a while and didn't know that's what tree the inspectors were talking about.**

Mr. Ervin asked for any further questions. 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 – **2315 Michael Drive** and to direct the Code Official to abate the violations identified in the attached staff reports which give rise to this finding by September 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.

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: Windhorst Motion carried.

The meeting was adjourned at 7:54 p.m.

Respectfully submitted,

Robert Ervin – Chairman
Board of Ordinance Appeals

Julie Windhorst - Secretary
Board of Ordinance Appeals