

CITY OF STERLING HEIGHTS  
BOARD OF ORDINANCE APPEALS  
REGULAR MEETING MINUTES  
September 12, 2022

The Board of Ordinance Appeals held a public hearing at 7:00 p.m. on September 12, 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, Kathleen Martin, Justin Smith, and Mike Stickney  
  
Absent: James Mandl and Julie Windhorst  
  
Also in attendance: Dana Vietto – Code Enforcement Coordinator
  3. Report from Dana Vietto, 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: G22-0243, G22-0246, G22-0247, G22-0250, G22-0253, G22-0254, and G22-0255.**
  4. Removal of Consent Items to New Business
    - a. Moved item 3 to New Business 9a. G22-0244 Batti, Roodi– 14566 Joanise Drive
    - b. Moved item 4 to New Business 9b. G22-0245 Hanna, Hanna & Eleeshaa, Fawziya Yalda, Jeena – 36515 Melbourne
    - c. Moved item 16 to New Business 9c. G22-0257 Monley, Loretta & Edward – 11456 Francis Drive
    - d. Moved item 17 to New Business 9d. G22-0258 Alton, Mario & Alahed, Marem – 13090 Winona Drive
    - e. Moved item 20 to New Business 9e. G22-0261 Tye, Joyce – 1951 Camel Drive
    - f. Moved item 21 to New Business 9f. G22-0262 Norman, Robert & Kathleen – 33723 Cornelissen Drive
  5. Approval of Agenda  
Motion by Mr. Stickney, supported by Ms. Martin, to approve agenda.  
  
Yes: All                      Absent: Mandl and Windhorst                      Motion carried.
  6. Consent Agenda  
Moved by Mr. Stickney, supported by Ms. Martin, RESOLVED, to approve the Consent Agenda as amended.  
  
Yes: All                      Absent: Mandl and Windhorst                      Motion carried.
1. Approval of the Minutes  
Regular Meeting August 22, 2022
  2. G22-0248 13135 E. 14 Mile Road, LLC – 13135 Fourteen Mile Road  
**RESOLVED**, to declare that a public nuisance exists on the property commonly known as – **13135 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.

3. G22-0249 Krzystowczyk, Henry & Helen – 4283 Joan Drive  
**RESOLVED**, to declare that a public nuisance exists on the property commonly known as –**4283 Joan 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. G22-0251 Affinity 18 Investments, LLC – 34475 Mound Road  
**RESOLVED**, to declare that a public nuisance exists on the property commonly known as –**34475 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.

5. G22-0252 Kahan, David – 40880 Dequindre Road  
**RESOLVED**, to declare that a public nuisance exists on the property commonly known as –**40880 Dequindre 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. G22-0256 Shaya, Janko & Israel, Hayfaa – 4313 Fox Hill Drive  
**RESOLVED**, to declare that a public nuisance exists on the property commonly known as –**4313 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. G22-0259 Nguyen, Huy - 4621 Allegheny Drive  
**RESOLVED**, to declare that a public nuisance exists on the property commonly known as –**4621 Allegheny 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. G22-0260 Akhter, Sayeda – 11915 Diehl Drive  
**RESOLVED**, to declare that a public nuisance exists on the property commonly known as –**11915 Diehl 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. G22-0203 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.**

Firas Elias, homeowner, addressed the Board. His nephew, Yousif Asha, 40505 Kraft Dr, Sterling Heights, addressed the Board and spoke for Mr. Elias. Mr. Asha explained his neighbor’s fence is falling and is on his property. He is fixing that part and wants to add more for his children and privacy.

Mr. Ervin stated he was out at the property and noticed the fencing is down and there is a privacy fence on the side of Wright Circle. He asked whose privacy fence is that. Mr. Asha stated it was the neighbors but they are replacing it and finishing the backyard.

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 **G22-0203** at **35105 Wright Circle** 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, Ervin, Smith

No: None                      Absent: Mandl and Windhorst                      Motion Carried.

8. Old Business  
None.

9. New Business

a. G22-0244      Batti, Roodi– 14566 Joanise 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.

Roodi Batti, homeowner, addressed the Board. Arken, 8134 Rivera, Sterling Heights, addressed the Board and indicated he would be translating for Mr. Batti. Arken indicated **Mr. Batti doesn't understand what he's supposed to do. Mr. Ervin explained the driveway needs to be repainted or strip the remaining paint.** Arken asked for a couple days to get it done.

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 – **14566 Joanise 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 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 call vote.

Yes: Stickney, Martin, Ervin, Smith

No: None                      Absent: Mandl and Windhorst                      Motion carried.

Arken asked for confirmation on which pieces of concrete. Mr. Ervin explained. Arken asked if he is supposed to get back to anyone. Mr. Ervin indicated to contact the code **enforcement office when it's completed.**

b. G22-0245      Hanna, Hanna & Eleeshaa, Fawziya Yalda, Jeena – 36515 Melbourne 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.

Hanna Hanna, homeowner, addressed the Board. His son, George Yalda, also addressed the Board. **Mr. Yalda explained it would have been done by now but they didn't** understand exactly what was needed. When he spoke to the code enforcement officer, he thought he only had to take down the roof part of the structure. **He didn't realize he had to take down** the walls too. Mr. Ervin asked how long they needed to finish. Mr. Yalda asked for two weeks.

Mr. Ervin asked for any questions from the Board.

Mr. Stickney asked if they would be taking the walls down or repairing them. Mr. Yalda indicated he would take the walls down and will paint the flooring. He stated he would wait until next summer to get a permit to rebuild it.

Mr. Ervin asked for public participation. 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 – **36515 Melbourne 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 24, 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, Ervin, Smith

No: None            Absent: Mandl and Windhorst            Motion carried.

c. G22-0257      Monley, Loretta & Edward – 11456 Francis 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.

Loretta Monley, homeowner, addressed the Board. She started by apologizing and stated she has been a resident in Sterling Heights since she was four. She explained she received one notice in June. There was an issue with the lamp post and she left voicemails for Mr. Schmidt and explained she retained a company to repair and reseed the lamp post. That person got covid, had a heart attack and retired. She is still trying to get her money back. **She only learned today about the number plate and she didn't even realize she was cited** for that. She handed Mr. Ervin a piece of paper and stated she attempted to order one from Etsy back on May 6<sup>th</sup>.

Ms. Martin asked how she receives her mail. Ms. Monley stated the number is painted on the curb. Based on her conversation with Mr. Schmidt that afternoon, he acknowledged **the things she'd been cited for she resolved**. There was an issue with a lawn mower and she **was selling it on Marketplace, it's gone. The lamp post has been removed. She indicated** the issue with the storage shed, just happened when the door fell. She thought this was all **resolved in July and she had no idea because she didn't** receive notices. Mr. Ervin indicated he saw plenty of issues which need to be resolved. Ms. Monley agreed. She explained she is trying to repaint the fence by taking one piece down, painting it, and putting it back up. She indicated the shed door just broke and will have it fixed by tomorrow.

Ms. Vietto displayed the pictures and Mr. Ervin explained what still needed to be done and asked how much time she needs to complete the tasks. Ms. Monley asked for a week for all but the fence. She stated the fence is taking longer because the panels are heavy and needs help to move them.

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 Mr. Stickney, supported by Ms. Martin, **RESOLVED**, to declare that a public nuisance exists on the property commonly known as – **11456 Francis Drive** and to direct the Code Official to abate the violations identified in the attached staff reports which give rise to this finding as follows: outdoor storage, no address on building, landscape maintenance, and accessory structure in disrepair by September 16, 2022 and the fence in disrepair by September 30, 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, Ervin, Smith

No: None                      Absent: Mandl and Windhorst                      Motion carried.

d. G22-0258      Al-ton, Mario & Alahed, Marem – 13090 Winona 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.

Mario Al-ton, homeowner, addressed the Board. He explained he received the notice and his wife called and the inspector stated the driveway, sidewalk and the bricks needed to be **removed. He received a second notice and he called and couldn't get a hold of the inspector and didn't know what else he needed to do. Now that he has seen the pictures displayed, he knows what to do.** Mr. Ervin asked how much time he needs. Mr. Al-ton indicated Sundays are his only day off. He spoke to a contractor and they told him they **couldn't come out. He asked for about two weeks. Mr. Ervin explained** to satisfy the city, they are looking for weed removal. He gave Mr. Al-ton ideas of what he could do with the landscape areas.

Mr. Ervin asked the Board for any questions

Ms. Martin suggested he could take a picture of the front of the house and take it to a nursery to get guidance on what type of bush to put in.

Mr. Ervin asked for public participation. 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 – **13090 Winona 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 24, 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, Ervin, Smith

No: None                      Absent: Mandl and Windhorst                      Motion carried.

e. G22-0261      Tye, Joyce – 1951 Camel 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.

Mr. Ervin asked if the property owner was present. No one came forward.

A neighbor, Jennifer Tassel, 2032 Camel Drive, addressed the Board. She stated she has been in her home since 1996 and the property has always been like that but has been getting progressively worse. To her knowledge, the owner just got out of the hospital **today and was supposed to be cleaning it up and hasn't.** There is stuff behind the garage as well. The neighbor to the left of the property cuts her grass and they try to help but something needs to be done. Mr. Ervin asked if anyone resides in the home because he noticed it was boarded up in the back. Ms. Tassel stated those were put up by the city. Mr. Ervin explained if the Board votes for an immediate abatement, the city will hire a contractor to clean it up.

Mr. Ervin asked for any questions from the Board.

Ms. Martin asked if the owner is an elderly lady. **Ms. Tassel indicated she is in her 60's.** Ms. Martin asked if she has children. Ms. Tassel stated no.

Mr. Ervin asked for public participation. 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 – **1951 Camel 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, Ervin, Smith

No: None                      Absent: Mandl and Windhorst                      Motion carried.

f. G22-0262      Norman, Robert & Kathleen – 33723 Cornelissen 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.

Robert Norman, homeowner, addressed the Board. He indicated he is working on it. He explained the crates were filled with golf balls and he got rid of them. Mr. Ervin asked how **much time he needs to complete the cleanup.** **Mr. Norman indicated he'll have to get rid of the concrete and they have three gardens back there.** Mr. Ervin indicated they have to get rid of the illegal structures and the outdoor storage.

Mr. Ervin asked for any questions from the Board

Mr. Stickney asked for any kind of time frame he may need to get it cleaned up. Mr. **Norman couldn't give a timeframe and talked about repairing the sprinkler head.**

Mr. Ervin asked for any further questions from the Board. Being none, he stated there was no other public present for participation. 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 – **33723 Cornelissen 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, Ervin, Smith

No: None                  Absent: Mandl and Windhorst                  Motion carried.

Mr. Norman talked about other properties having grass in the cracks of the cement. Mr. Ervin explained it must have been taken care of because the only violations he had were outdoor storage and illegal structures. Mr. Norman complained about sidewalk work which was done. Mr. Ervin explained they could not do anything about that and he should take any complaints to the city.

10. Public Participation  
None

11. Adjournment  
Motion by Mr. Stickney, supported by Ms. Martin, to adjourn the meeting.  
Yes: All                  Absent: Mandl and Windhorst                  Motion carried.

The meeting was adjourned at 8:02 p.m.

Respectfully submitted,

Robert Ervin – Chairman  
Board of Ordinance Appeals

Mike Stickney – Acting Secretary  
Board of Ordinance Appeals