

CITY OF STERLING HEIGHTS
BOARD OF ORDINANCE APPEALS
REGULAR MEETING MINUTES
September 26, 2022

The Board of Ordinance Appeals held a public hearing at 7:00 p.m. on September 26, 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, Justin Smith, Mike Stickney, and Julie Windhorst

Absent: James Mandl and Kathleen Martin

Also in attendance: Jason Castor – City Development Director and
Horst Hriniciuc - Code Enforcement Officer

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: G22-0268, G22-0269, G22-0271, G22-0278, G22-0280, G22-0281, G22-0282, G22-0283, G22-0286, G22-0289, and G22-0291.

4. Removal of Consent Items to New Business
 - a. Moved item 2 to New Business 9a. G22-0265 Bahri, Lisa ET AL – 8160 Independence Drive
 - b. Moved item 9 to New Business 9b. G22-0272 Waters, Gloria - Trust – 33585 Morrison Drive
 - c. Moved item 11 to New Business 9c. G22-0274 Esper, Benjamin & Mary Jane – 35452 Mustang Drive
 - d. Moved item 12 to New Business 9d. G22-0275 Gerich, Ronald & Sharon – 4847 Omena Court
 - e. Moved item 13 to New Business 9e. G22-0276 Drekh, Shady & Fouzat – 43220 Saal Road
 - f. Moved item 24 to New Business 9f. G22-0287 O’Mara, Ryan – 2214 Camel Drive

5. Approval of Agenda
Motion by Mr. Stickney, supported by Ms. Windhorst, to approve agenda.

Yes: All Absent: Mandl and Martin Motion carried.

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

Yes: All Absent: Mandl and Martin Motion carried.

1. Approval of the Minutes
Regular Meeting September 12, 2022

2. G22-0266 Howard, Stacy– 40468 La Grange Drive
RESOLVED, to declare that a public nuisance exists on the property commonly known as – **40468 La Grange 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. G22-0267 Kinney, Michael G. & Kathleen, ET AL – 40153 Regency Drive
RESOLVED, to declare that a public nuisance exists on the property commonly known as – **40153 Regency 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. G22-0270 Expo Properties LLC – 11700 Fifteen Mile Road
RESOLVED, to declare that a public nuisance exists on the property commonly known as – **11700 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.
5. G22-0273 Active Investments USA LLC – 5556 Plymouth Street
RESOLVED, to declare that a public nuisance exists on the property commonly known as – **5556 Plymouth 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. G22-0277 Blue Moon Acquisitions, LLC – 2140 Newell Drive
RESOLVED, to declare that a public nuisance exists on the property commonly known as – **2140 Newell 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. G22-0279 Noggin Investments, LLC – 41873 Betley Drive
RESOLVED, to declare that a public nuisance exists on the property commonly known as – **41873 Betley 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. G22-0284 Abudakar, Issa & Al-Azzai, Hiba – 41641 Saal Road
RESOLVED, to declare that a public nuisance exists on the property commonly known as – **41641 Saal 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.
9. G22-0285 Abdulahad, Rouni & Shango, Sara – 41559 Utica Road
RESOLVED, to declare that a public nuisance exists on the property commonly known as – **41559 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.
10. G22-0288 Alnashmi, Anhar – 5219 Chadbourne Drive
RESOLVED, to declare that a public nuisance exists on the property commonly known as – **5219 Chadbourne 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.

11. G22-0290 Sadgil Property Management, LLC – 43256 Lira Drive
RESOLVED, to declare that a public nuisance exists on the property commonly known as – **43256 Lira 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.

12. G22-0292 Ahmed, Nahid – 6075 Stacy Avenue
RESOLVED, to declare that a public nuisance exists on the property commonly known as – **6075 Stacy Avenue** 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. G22-0263 Winchester, Robyn – 40965 Pickett Ridge Road
Requesting a variance to install a 6’ privacy fence more than 10’ off the house on a corner lot along Eighteen Mile Road – no pool.

Mr. Castor indicated this case should be postponed. Mr. Ervin asked the Board for a motion.

Moved by Mr. Stickney, supported by Mrs. Windhorst, **RESOLVED**, to postpone case **G22-0263** at **40965 Pickett Ridge Road** to the next meeting.

Mr. Ervin asked for a vote.

Yes: Stickney, Windhorst, Ervin, Smith

No: None Absent: Mandl and Martin Motion Carried.

8. Old Business
None.

9. New Business

- a. G22-0265 Bahri, Lisa ET AL – 8160 Independence Drive
Code Enforcement Officer, Horst Hrinciuc, 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.

Ingo Pridoehl, 1045 Bloom View Circle, Rochester, addressed the Board. Mr. Pridoehl indicated he is the property owner and explained how he acquired the property through an auction. He received the quick claim deed dated September 23rd. He just had a dumpster delivered which will be one of many. He stated he would get the exterior cleaned up tomorrow. He was under the impression the liens and abatements were taken care of during the foreclosure process. He asked if there are things that were not taken care of. Mr. Ervin asked Mr. Castor to address the question.

Mr. Castor recommended Mr. Pridoehl **contact the city’s finance department to find out if** there are any outstanding invoices or liens on the property. He asked for a week to get the property cleaned up.

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 Mr. Stickney, supported by Ms. Windhorst, **RESOLVED**, to declare that a public nuisance exists on the property commonly known as – **8160 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 October 3, 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, Windhorst, Ervin, Smith

No: None Absent: Mandl and Martin Motion carried.

b. G22-0272 Waters, Gloria - Trust – 33585 Morrison Drive

Code Enforcement Officer, Horst Hriniciuc, 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.

Mark Waters, homeowner, addressed the Board. Mr. Waters indicated he is the son of the owner and the house is in a trust. He stated they're in the process of getting a new roof. He explained there have been extenuating circumstances which have prolonged getting the roof but they are getting it. He indicated Cutting Edge will be doing the roof. He stated the paperwork has been submitted so they can get the money and get it taken care of. He should know in the next few days about the funds. He then stated he is currently getting estimates. Mr. Ervin indicated a permit will be required. Mr. Waters asked if the roofing company will do that or if he has to do it himself. Mr. Castor recommended the roofing contractor pull the permit. Mr. Waters asked for 30 days to get the work started.

Mr. Ervin asked for any questions from the Board.

Mr. Stickney asked if they have entered into a contract with a roofing company. Mr. Waters indicated he has not signed yet as he is still getting estimates. Mr. Stickney noted this has been going on for almost a year since the first inspection. Mr. Waters explained again that it was supposed to happen in the spring but there were medical issues.

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

Moved by Mr. Stickney, supported by Ms. Windhorst, **RESOLVED**, to declare that a public nuisance exists on the property commonly known as – **33585 Morrison Drive** and to direct the Code Official to abate the violations identified in the attached staff reports which give rise to this finding by October 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, Windhorst, Ervin, Smith

No: None Absent: Mandl and Martin Motion carried.

c. G22-0274 Espere, Benjamin & Mary Jane – 35452 Mustang Drive

Code Enforcement Officer, Horst Hriniciuc, stated as of today there has been no contact with the owner and there have been changes to the property. Pictures were shown at this time.

Benjamin Espere, homeowner, addressed the Board. He talked about having to go back to the Philippines for a sick parent and he neglected things. He was going to get the fence fixed but the prices have been expensive. He said he will fix everything but he needs time. He **explained he can't get the car out until he gets the fence fixed** because he will have to wait until the panel is taken down. Mr. Ervin indicated he has quite a bit of material to get out of the yard and needs to get it cleaned up as soon as possible. Mr. Espere asked for two weeks.

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. Windhorst, **RESOLVED**, to declare that a public nuisance exists on the property commonly known as – **35452 Mustang 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, Smith

No: None Absent: Mandl and Martin Motion carried.

d. G22-0275 Gerich, Ronald & Sharon – 4847 Omena Court

Code Enforcement Officer, Horst Hriniciuc, 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.

Lesley Gerich, daughter of homeowners, addressed the Board. She explained they received a notice on the door, they never received anything in the mail. She stated they were denied due process on this. She explained they have maintained the property with lawn care services for years. **They hadn't had any service on any of the notices. She understands the windows need repairing and fixing and that they noticed it in the spring.** Mr. Ervin indicated the notices are sent to the address in the accessing records. She again stated they only received the notice on the door and they know what needs to be done.

Mr. Ervin asked the Board for any questions

Mr. Stickney asked if they've contacted a contractor to replace the windows. Ms. Gerich indicated they do not but they will fix them. Mr. Stickney asked how much time she needs. She asked for a month or two and stated it would be before the snow.

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

Moved by Mr. Stickney, supported by Ms. Windhorst, **RESOLVED**, to declare that a public nuisance exists on the property commonly known as – **4847 Omena Court** and to direct the Code Official to abate the violations identified in the attached staff reports which give rise to this finding by October 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 the Board. Being none, he asked for a roll call vote.

Yes: Stickney, Windhorst, Ervin, Smith

No: None Absent: Mandl and Martin Motion carried.

e. G22-0276 Drekh, Shady & Fouzat – 43220 Saal Road

Code Enforcement Officer, Horst Hriniciuc, stated as of today there has been contact with the owner and there have been changes to the property. He stated the issues have been taken care of but the owner wanted to come to the meeting to speak about the property. Pictures were shown at this time.

Shady Drekh, homeowner, addressed the Board. He explained he bought the property last year and decided to rent the property out for a while. He rented to people which only paid him one month. They have caused over \$40,000 in damages in the house. Mold is growing in the house and the hardwood floors have bulged up. They refuse to talk to him and he filed a case in June with Sterling Heights to get them out. Earlier this month he had a pre-hearing and he indicated he is still going through court to get them out. He travels for work **a lot and was advised by his attorney to not go near the property because they are “playing dirty”**. He was not aware of any of the violations. He was told by the code officer who was taking pictures that the tenant was ripping up the notice or sent it back. When the city posted the notice on the door, the tenant sent him a picture of the notice. When he contacted the code officer, he said there were three different violations and have accumulated over \$600 in fines. The code officer also told him he has a court date on **Monday, which he wasn't aware of. He asked for forgiveness for the issues as he is not** responsible for the violations. He also found out that the tenant had a fire in the house.

Mr. Ervin expressed appreciation for getting the outside cleaned up and indicated they did not know of any of the legalities for the property. Mr. Castor explained if the fire department was called, he may be able to get pictures of the damages. Mr. Drekh indicated **he saw the inside and he has been told he won't get any of the money which is owed to him**. He stated he just wants them out. He stated he hired a company for the rest of this **season and next season so there shouldn't be any more issues**.

Mr. Ervin thanked him for coming to the meeting and explaining the circumstances.

f. G22-0287 O'Mara, Ryan – 2214 Camel Drive

Code Enforcement Officer, Horst Hriniciuc, 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.

Ryan O'Mara, homeowner, addressed the Board. He indicated he took care of everything immediately but had to get the funds for the painting. He indicated he has been in contact with the code enforcement officer, Derrick, and it was expressed that Derrick sent a letter last month on the 24th **but Mr. O'Mara** informed him **he didn't receive that one which stated** it had to be done by the 13th. He rented a paint sprayer and is trying to get it done in between taking care of his young children and when there is decent weather. He said he needed more time and asked for 30 days.

Mr. Ervin asked for any questions from the Board.

Mr. Castor explained it is not on the paper work but the roof on the garage is starting to look like the shingles are in rough shape. He also mentioned the cracks in the driveway. **Mr. O'Mara explained there is a big tree and that is from the roots and because the tree is living the city will not do anything with it**.

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. Windhorst, **RESOLVED**, to declare that a public nuisance exists on the property commonly known as – **2214 Camel Drive** and to direct the Code Official to abate the violations identified in the attached staff reports which give rise to this finding by October 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.

Yes: Stickney, Windhorst, Ervin, Smith

No: None Absent: Mandl and Martin Motion carried.

10. Public Participation
None

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

The meeting was adjourned at 7:49 p.m.

Respectfully submitted,

Robert Ervin – Chairman
Board of Ordinance Appeals

Julie Windhorst - Secretary
Board of Ordinance Appeals