

CITY OF STERLING HEIGHTS

NOTICE OF PUBLIC HEARING

The Ordinance Board of Appeals held a public hearing at 7:00 p.m. on Monday April 25, 2016 at the 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 on the following agenda.

AGENDA

1. Chairman Pitrone called the meeting to order at 7:00 pm
2. Roll Call
Robert
John Pitrone - Chairman, Joseph DiGaetano - Secretary,
Ervin, Kathryn Jiles, Juli Sala, Denice Gerstenberg - City Development Director, Paul Geiger - Code Enforcement Officer, Dana Vietto - Recording Secretary
3. Report from City Liaison - Denice Gerstenberg
 - a. 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 - G16-0025, G16-0028, G16-0029 & G16-0030.
 - b. Item A G16-0021 under Public Hearings has been postponed.
4. Removal of Consent Items to New Business
 - a. Moved item 11 to New Business 9a. G16-0035 Mati, J./Youhana, N./Petros, R. - 2156 Lindell Road
5. Approval of Agenda
Motion by Ervin, supported by Jiles, to approve agenda
Yes: All. Motion carried.
6. Consent Agenda
Moved by Ervin, supported by Jiles, RESOLVED, to approve the Consent Agenda as amended:
 1. To approve the minutes of the regular meeting of March 21, 2016, as presented.
 2. G16-0026 Esttaifo, Sarkon - 4123 Bieber Drive
RESOLVED, to declare that a public nuisance exists on the property commonly known as 4123 Bieber 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. G16-0027 Larrivee, Glen & Lisa - 34035 Charlotte Drive
RESOLVED, to declare that a public nuisance exists on the property commonly known as 34035 Charlotte 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. G16-0031 Selene Finance, LP - 38738 Bronson Drive
RESOLVED, to declare that a public nuisance exists on the property commonly known as 38738 Bronson 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. G16-0032 H & S Singh - 37180 Dequindre Road
RESOLVED, to declare that a public nuisance exists on the property commonly known as 37180 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. G16-0034 County Line Plaza Development - 2101 Fifteen Mile Road
RESOLVED, to declare that a public nuisance exists on the property commonly known as 2101 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.

7. Public Hearing

- a. G16-0023 Ramotowski, Christopher & Irene - **4185 Eighteen ½ Mile Road**
Fence Variance - Asking Board approval to allow an aluminum fence with brick pillars **one foot from the property line in the front yard setback along 18 ½ Mile Road.**

Christopher Ramotowski, owner was present. Mr. Ramotowski stated that he wants a fence in front of his house with brick pillars. He stated that other properties in the City have these fences. He showed the Board pictures. He wants to provide additional security for his home. He has a circle driveway and people keep driving up his driveway to turn around. Mr. Ramotowski stated that by adding fencing it will deter people from coming up his driveway and people will realize it is a residential home.

Gary Hreben, neighbor, was present. Mr. Hreben stated that he is concerned that the brick pillars will obstruct his view when he is pulling out of his driveway. He wants to make sure that the fence is put up on Mr. Ramotowski's property and that it is not a sight obstruction. Mr. Pitrone stated that Mr. Ramotowski's property line begins 38 feet from the road. Mr. Ramotowski stated that his property sits far enough back that the neighbor will not have any sight obstruction from the fence.

Mr. Ervin asked Mr. Ramotowski if he plans on putting up a gate across the driveway. Mr. Ramotowski stated that having a gate would be ideal and there is enough room for emergency vehicles. Mr. Ervin stated that there is no information regarding the gate on the plans the Board received. Mr. Sala stated that he does not see any objection regarding the gate. However, a plan must be approved with the gate on it. The fire department will want some kind of access to the gate. The brick pillars can't be into the 39 foot set back. Mr. Pitrone stated that he generally is not in favor of front yard fences but the Board looks at each property separately. The city does not allow spikes on the fence.

Moved by Sala, supported by DiGaetano RESOLVED, to approve case G16-0023 at 4185 Eighteen ½ Mile Road 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 must be at least 39 feet from the road, the fence will be 4ft high, pillars for fence will be 5ft high and the pillars for the gate will be 6ft high.

Yes: DiGaetano, Ervin, Jiles, Pitrone, Sala
No: None. Absent: None. Motion carried.

- b. G16-0024 Owens, William & Suzette & Michigan Fence Solutions, LLC- 43087 Hartwick Drive
Fence Variance- Asking Board approval to allow a 6 foot vinyl fence one foot from the property line along the side yard Concord.

William Owens, owner, was present. Mr. Owens stated that he is requesting a variance to replace the existing chain link fence with a vinyl fence for privacy. There is no driveway obstruction or visual impairments for cars coming in either direction. Michigan Fence Solutions will be installing the fence. He stated that the color will be sandlewood. Mr. Pitrone stated that he drove by the property and has no objections.

Mr. Sala asked Mr. Owens for clarification on the plans. Mr. Ervin stated that he has no objection because he meets the clearance requirements.

Moved by Ervin, supported by Jiles RESOLVED, to approve case G16-0024 at 43087 Hartwick 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.

Yes: DiGaetano, Ervin, Jiles, Pitrone, Sala
No: None. Absent: None. Motion carried.

8. Old Business

9. New Business

- a. G15-0035 Mati, J./Youhana, N./Petros, R. - 2156 Lindell Road
Code Enforcement Officer, Paul Geiger, stated as of today there were some changes to the property. The canopy structure is down. The permit that was applied for was denied. Pictures were shown at this time.

Property owner and daughter in law were present. The property owner did not speak English so the daughter in law represented him. Mr. Pitrone stated that the owner would never get a permit for a shed attached to a house and it needs to be removed. The daughter in law stated that they bought the home in 2014 and requested a permit. They would like to keep the porch and shed. Mr. Pitrone stated that they can't keep the shed. Mr. Geiger stated that the owners claimed that the structures were there previously. Google pictures showed that the structures were put up recently. Mr. Geiger stated that they have to submit proper plans for the porch and they might have to remove it. The shed must be removed. Mr. Sala stated that they need to speak to someone in the building department to clarify what to do to save the porch. The daughter in law stated that they will talk to the building department about the porch and she will have them remove the shed. Mr. Geiger stated that they should have a professional submit plans to the building department.

Moved by Ervin, supported by Sala, RESOLVED, to declare that a public nuisance exists on the property commonly known as 2156 Lindell Road and to direct the Code Official to abate the violations identified in the attached staff reports which give rise to this finding after May 9, 2016 that the shed must be removed, after May 23, 2016 that the porch permit must be approved or removed and the construction of the porch must be done by July 31, 2016. 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: DiGaetano, Ervin, Jiles, Pitrone, Sala
No: None. Absent: None. Motion carried.

10. Adjournment

Motion by Ervin, supported by Jiles to adjourn the meeting.

Yes: All. Motion carried.

The meeting was adjourned at 7:58 pm

Respectfully submitted.

John Pitrone

Joseph DiGaetano

John Pitrone, Chairman
Ordinance Board of Appeals
Appeals

Joseph DiGaetano, Secretary
Ordinance Board of Appeals