

CITY OF STERLING HEIGHTS

NOTICE OF PUBLIC HEARING

The Ordinance Board of Appeals held a public hearing at 7:00 p.m. on Monday June 27, 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  
John Pitrone - Chairman, Joseph DiGaetano - Secretary, Robert 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 - G16-0097, G16-0102, G16-0103, G16-0106, G16-0109 & G16-0111.
4. Removal of Consent Items to New Business
  - a. Moved item 5 to New Business 9a. G16-0100 Toma, Diya - 43157 Coralbean Court
  - b. Moved item 9 to New Business 9b. G16-0104 Ruan, Xing Chun - 39340 Sturbridge Drive
  - c. Moved item 10 to New Business 9c. G16-0105 Schales, David H. & Ronald G. - 4987 Northlawn Drive
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 June 13, 2016, as presented.
  2. G16-0098 Lucido, Dominic Jr. & Sharon & Deutsche Bank - 13250 Grand Haven Drive  
RESOLVED, to declare that a public nuisance exists on the property commonly known as 13250 Grand Haven 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. G16-0099 Z & A Holdings, LLC - 7750 Metropolitan Parkway  
RESOLVED, to declare that a public nuisance exists on the property commonly known as 7750 Metropolitan Parkway 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. G16-0101 Mikha, Atheer - 2205 Franklin Park Drive  
RESOLVED, to declare that a public nuisance exists on the property commonly known as 2205 Franklin Park 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. G16-0107 Russell, Nedra - 40348 Kristen Drive  
RESOLVED, to declare that a public nuisance exists on the property commonly known as 40348 Kristen 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. G16-0108 M-59 Properties, LLC - 44773 Sterritt Street  
RESOLVED, to declare that a public nuisance exists on the property commonly known as 44773 Sterritt 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.
7. G16-0110 Koljgeraj, Luz & Marije - 35324 Dunston Drive  
RESOLVED, to declare that a public nuisance exists on the property commonly known as 35324 Dunston 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. G16-0112 Chmielewski, Paul - 2141 Newell Drive  
RESOLVED, to declare that a public nuisance exists on the property commonly known as 2141 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.
9. G16-0113 Kit Kit, Inc. & Sam - 2700 Seventeen Mile Road  
RESOLVED, to declare that a public nuisance exists on the property commonly known as 2700 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.

7. Public Hearing

- a. G16-0096 Kavanagh, Donald S. - 13711 Martha Street  
Fence Variance - Asking Board approval to allow a 4 foot non-sight obscuring wood fence in the front yard along Martha Street and in the side yard along Marne Avenue behind trees and shrubs about 12 feet back from the road.

Donald Kavanagh, owner, was present. Mr. Kavanagh stated that he has a northern Michigan looking cabin with northern Michigan style landscaping. He wants the front yard fence to keep the stray dogs out and add the rustic style to his property. He stated that there is no sidewalk on his property. The green picket fence would be behind plants and shrubs. Mr. Ervin stated that he is concerned about the clearance at the corner. The corner clearance should be 25 feet. Mr. Pitrone asked Ms. Gerstenberg if there is a plan to put sidewalks in. Ms. Gerstenberg stated that no sidewalks are projected to be put in at this time. Mr. Geiger stated that a landscaping fence that is allowed without a variance can be three feet high and sixteen feet long. Mr. Pitrone stated that all adjacent property owners were notified. Mr. Pitrone stated that at first he was against the fence in the front yard. The property is so unique he has no problem with it. Mr. Ervin stated that he is concerned about the 25 feet clearance at the corner. Mr. Sala stated that the 25 feet clearance is for sight obscuring fences. This is a non-sight obscuring fence. He would be fine with approving it. Mr. Pitrone stated that the fence doesn't add a safety concern at this time. The city could have the homeowner trim up the trees for corner clearance. Mr. Ervin stated that he still has concerns and the city doesn't allow front yard fencing at all. Mr. Ervin would be more inclined to pass the variance if he angles the fence at the corner.

Moved by Jiles, supported by DiGaetano, RESOLVED, to approve case G16-0096 at

13711 Martha Street 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, Jiles, Pitrone, Sala  
No: Ervin. Absent: None. Motion carried.

8. Old Business

9. New Business

- a. G15-0100 Toma, Diya - 43157 Coralbean Court  
Code Enforcement Officer, Paul Geiger, stated as of today there were no changes to the property.

Diya Toma, owner, was present. Mr. Toma stated that the roof is in bad shape. He needs three months to fix the roof and three days to trim the shrubs. Mr. Pitrone stated that this subdivision was built about ten to fifteen years ago and the shingles were defective. Most homes have had to tear off and replace their shingles already.

Moved by DiGaetano, supported by Ervin, RESOLVED, to declare that a public nuisance exists on the property commonly known as 43157 Coralbean Court and to direct the Code Official to abate the violations identified in the attached staff reports, which give rise to this finding for the nuisance growth after July 1, 2016 and the roof replacement after September 1, 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.

- b. G15-0104 Ruan, Xing Chun - 39340 Sturbridge Drive  
Code Enforcement Officer, Paul Geiger, stated as of today there were no changes to the property.

Xing Chun Ruan, owner, was present. Mr. Ruan stated that a letter just has words on it. A picture would have been helpful for him to know what to clean up. Mr. Pitrone asked Mr. Ruan if he called his code enforcement officer regarding the violations. Mr. Ruan stated, "No."

Moved by Jiles, supported by Ervin, RESOLVED, to declare that a public nuisance exists on the property commonly known as 39340 Sturbridge Drive and to direct the Code Official to abate the violations identified in the attached staff reports, which give rise to this finding after July 4, 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.

- c. G15-0105 Schales, David H. & Ronald G. - 4987 Northlawn Drive  
Code Enforcement Officer, Paul Geiger, stated as of today there were some changes to the property.

David Schales, owner, was present. Mr. Schales stated that he was out of town and his son cleaned up the property and he had to pay him. Mr. Pitrone asked Mr. Schales if he could have the fence fixed in thirty days. Mr. Schales stated that he would try. Mr. DiGaetano asked Mr. Schales if his son is able to fix the fence. Mr. Schales stated, "Yes he is a carpenter."

Moved by DiGaetono, supported by Jiles, RESOLVED, to declare that a public nuisance exists on the property commonly known as 4987 Northlawn Drive and to direct the Code Official to abate the violations identified in the attached staff reports, which give rise to this finding after August 15, 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. Public Participation

11. Adjournment

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

Yes: All. Motion carried.

The meeting was adjourned at 7:57 pm

Respectfully submitted.

John Pitrone

John Pitrone, Chairman  
Ordinance Board of Appeals  
Appeals

Robert Ervin

Acting Secretary  
Ordinance Board of