

CITY OF STERLING HEIGHTS

NOTICE OF PUBLIC HEARING

The Ordinance Board of Appeals held a public hearing at 7:00 p.m. on Monday July 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 Ervin called the meeting to order at 7:00 pm
2. Roll Call
John Pitrone - Chairman (excused), Robert Ervin, Juli Sala,
Michael Stickney, Pat Willis - 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 - G16-0145, G16-0146, G16-0148, G16-0150 & G16-0151.
4. Removal of Consent Items to New Business
 - a. Moved item 4 to New Business 9a. G16-0147 Gorgis, Hana - 43117 Catclaw Court
 - b. Moved item 6 to New Business 9b. G16-0149 42955 Van Dyke Ave, LLC - 7979 Nineteen Mile Road
 - c. Moved item 13 to New Business 9c. G16-0156 Fannie Mae - 14675 Lakeshore Drive
 - d. Moved item 14 to New Business 9d. G16-0157 Potts, Michael J. & Monique - 8521 Eighteen Mile Road
 - e. Moved item 15 to New Business 9e. G16-0158 Sunnybrook Golf Bowl & Motel - 38950 Van Dyke
5. Approval of Agenda
Motion by Stickney, supported by Sala, to approve agenda
Yes: All. Motion carried.
6. Consent Agenda
Moved by Stickney, supported by Sala, RESOLVED, to approve the Consent Agenda as amended:
 1. To approve the minutes of the regular meeting of July 11, 2016, as presented.
 2. G16-0152 Donovan, Thomas M. - 37305 Gregory Drive
RESOLVED, to declare that a public nuisance exists on the property commonly known as 37305 Gregory 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. G16-0153 Equicredit Corporation of America - 37040 Hacker Drive
RESOLVED, to declare that a public nuisance exists on the property commonly known as 37040 Hacker 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. G16-0154 Household Finance Corp III - 4141 Lin Drive
RESOLVED, to declare that a public nuisance exists on the property commonly known as 4141 Lin 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. G16-0155 Wampole, June Mary, Trustee - 4922 Chadbourne Drive
RESOLVED, to declare that a public nuisance exists on the property commonly known

as 4922 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.

7. Public Hearing

8. Old Business

9. New Business

a. G16-0147 Gorgis, Hana - 43117 Catclaw Court

Code Enforcement Officer, Pat Willis, stated as of today there were some changes to the property. Pictures were shown at this time.

Hana Gorgis, owner, was present. Mr. Gorgis friend Sherry spoke for him. Ms. Sherry stated that the backyard is done and the window is ordered. The window costs a lot. Mr. Stickney asked how long it would take to fix the window and take care of the weeds. Ms. Sherry stated that they took care of the weeds and hired someone to fix the window.

Moved by Stickney, supported by Sala, RESOLVED, to declare that a public nuisance exists on the property commonly known as 43117 Catclaw Court and to direct the Code Official to abate the violations identified in the attached staff reports, which give rise to this finding after August 1, 2016 for nuisance growth and after August 22, 2016 for window repair. 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: Ervin, Sala, Stickney

No: None. Absent: Pitrone. Motion carried.

b. G16-0149 42955 Van Dyke Ave, LLC - 7979 Nineteen Mile Road

Code Enforcement Officer, Pat Willis, stated as of today there were some changes to the property. Pictures were shown at this time.

Keven Meyer, owner of business, was present. Mr. Shango, owner, was not present. Mr. Meyer showed plans to the Board regarding which parking spaces are his. Mr. Meyer stated that the landscaping company does not do weeds. He took care of all the nuisance growth on the property with his money and time. He stated that he will have cars with no plates on them because that is how his business works. Mr. Willis stated that it would be up to the city planner as to if cars can be stored on the property. Mr. Meyer went through the pictures and talked about each vehicle on the property with the Board. Ms. Gerstenberg asked Mr. Meyer if his cars are parked in the yellow shaded area. Mr. Meyer stated that his vehicles are not parked in the yellow shaded area right now because he was cleaning up the property. Mr. Meyer stated that he was approved by the City years ago to allow the non-plated vehicles in the parking lot. Ms. Gerstenberg stated that Mr. Meyer seems to be in compliance. The property owner is responsible to keep the property maintained and in compliance at all times. The property owner is responsible to move the snow plow truck off the premises.

Joe Judnick, resident of Sterling Heights, was present. Mr. Judnick stated that the trailer full of debris has been there since July 12th and the cube van has been there for at least a year. They have been storing vehicles there for a long time. Mr. Judnick stated that he is happy with the site compared to what it was. He wants the vehicles that are not licensed off the property.

Moved by Sala, supported by Stickney, RESOLVED, to declare that a public nuisance exists on the property commonly known as 7979 Nineteen 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 except the relocation of the vehicles to the appropriate parking spots after July 27, 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: Ervin, Sala, Stickney

No: None. Absent: Pitrone. Motion carried.

- c. G16-0156 Fannie Mae - 14675 Lakeshore Drive
Code Enforcement Officer, Pat Willis, stated as of today there were some changes to the property. Need to add dead tree to the agenda statement. Pictures were shown at this time.

Dominic Presonto, manager broker for Fannie Mae, was present. Mr. Presonto stated that the property has been an eye sore for 20 years. He has bids out to fix the inside and outside of the house. The previous owner was living in the house until about a month ago. Mr. Willis stated that a lot of the violations have been fixed. Mr. Stickney stated that he has had dealings with Fannie Mae in the past and they don't move fast. He would be good with giving 30 days. Mr. Presonto stated that he could have it done in 30 days.

Joe Judnick, resident of Sterling Heights, was present. Mr. Judnick stated that a lot of foreclosures work from the inside out. He would like to see the nuisance be abated immediately. Ms. Gerstenberg asked for clarification if Mr. Presonto is waiting for approval from Fannie Mae or approval for bids. Mr. Presonto stated that he will talk to Fannie Mae tomorrow.

Moved by Sala, supported by Stickney, RESOLVED, to declare that a public nuisance exists on the property commonly known as 14675 Lakeshore 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 25, 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: Ervin, Sala, Stickney

No: None. Absent: Pitrone. Motion carried.

- d. G16-0157 Potts, Michael J. & Monique - 8521 Eighteen Mile Road
Code Enforcement Officer, Pat Willis, stated as of today there were no changes to the property. Pictures were shown at this time.

Michael Potts, owner, was present. Mr. Potts stated that the property is all cleaned up. He put the bricks on pallets and it is all cleaned up. Mr. Potts stated that he had 90 tons of cobble stone around the pond. He had to fill in the pond with woodchips and dirt. Along the fence line there are trees and arborvitaes growing. He trims them. His backyard was beautiful he had a 100 by 100 pond. Mr. Ervin stated that the initial inspection date was

August 4th 2015. Mr. Potts stated that his neighbors are fine with his yard except one. He knows he has a problem with the pond and to do it right he would need to bring in a gravel hauler and he can't put one on his driveway. He is filling it with woodchips. Mr. Ervin stated that the engineering department should review that for any proper fill for the pond. Mr. Potts stated that he doesn't want to fill it with dirt because it would cost a lot of money. He has put a lot of money and time into his backyard. He had to fill his pond with his house water and it kept evaporating so he had to fill the pond in. Mr. Potts stated that it is his fault for having the outdoor storage and debris outside. He stated that he might have to plant a bunch of trees in his backyard. Mr. Willis stated that the most recent pictures they have are from July 20th. Mr. Potts stated that he is going to use the bricks that are stacked on pallets in his backyard. Mr. Sala stated that it sounds like Mr. Potts is confident that all the items are done. We could give him a week to address everything.

Ms. Gerstenberg stated that filling the pond is likely that he will need a permit from the engineering department. That is part of our Soil Erosion and Control Ordinance. It is very specific of whenever you do any type of excavation or filling on a site you need to talk with the department of engineering about the requirements. Outdoor storage is not allowed. Whether or not those bricks are stored on pallets they can't be stored outside. All of that has to be stored inside a garage a barn or a shed.

Michelle, neighbor's daughter, was present. Ms. Michelle gave the Board aerial pictures of the pond over several years from the beginning around 2005 until now 2016. When the pond started to evaporate the neighbor's basements and backyards had a lot

of water in them. They had the engineering department out to inspect. They said there was nothing wrong with their yards. She also showed pictures of the backyard from her mothers' yard. Ms. Michelle stated that her mom doesn't even go in her backyard anymore because of it. The pond was turned into a compost pile with additional debris. Ms. Michelle stated that the pond did look beautiful at first but it has become a nuisance to the residents on Hamilton.

She would not like the Board to grant him more time and have this nuisance taken care of quickly. Ms. Gerstenberg asked Ms. Michelle if the black landscaping material is still there. Mr. Potts said it was the liner. Ms. Michelle stated that the liner used was a landscape fabric and is still there. Michelle asked the Board to deny Mr. Potts request for more time and have it inspected.

Moved by Stickney, supported by Sala, RESOLVED, to declare that a public nuisance exists on the property commonly known as 8521 Eighteen 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.

Yes: Ervin, Sala, Stickney

No: None. Absent: Pitrone. Motion carried.

- e. G16-0158 Sunnybrook Golf Bowl & Motel - 38950 Van Dyke
Code Enforcement Officer, Pat Willis, stated as of today there were no changes to the property. Pictures were shown at this time.

The owner was not present. Ms. Gerstenberg stated that the owner of Sunnybrook recently sold the property. The property is now owned by Mitchell Plastics. There are industrial plans in for the first building. The sign is now obsolete and needs to be removed.

Moved by Stickney, supported by Sala, RESOLVED, to declare that a public nuisance exists on the property commonly known as 38950 Van Dyke 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: Ervin, Sala, Stickney

No: None. Absent: Pitrone. Motion carried.

10. Public Participation

11. Adjournment

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

Yes: All. Motion carried.

The meeting was adjourned at 8:34 pm

Respectfully submitted.

Robert Ervin

Juli Sala

Robert Ervin, Acting Chairman
Ordinance Board of Appeals
Appeals

Acting Secretary
Ordinance Board of