

CITY OF STERLING HEIGHTS

NOTICE OF PUBLIC HEARING

The Ordinance Board of Appeals held a public hearing at 7:00 p.m. on August 22, 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, Juli Sala - Secretary, Robert Ervin,
Benjamin McMartin, Paul Zdzieblowski, 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 - G16-0190, G16-0191, G16-0194 & G16-0196.
4. Removal of Consent Items to New Business
 - a. Moved item 5 to New Business 9a. G16-0192 Fannie Mae - 8777 Eighteen Mile Road
 - b. Moved item 8 to New Business 9b. G16-0195 Tobia, Mawlood - 4050 Gardner Street
 - c. Moved item 10 to New Business 9c. G16-0197 Hammo, Wissam - 35353 Dunston Drive
5. Approval of Agenda
Motion by Ervin, supported by Zdzieblowski, to approve agenda
Yes: All. Motion carried.
6. Consent Agenda
Moved by McMartin, supported by Zdzieblowski, RESOLVED, to approve the Consent Agenda as amended:
 1. To approve the minutes of the regular meeting of August 8, 2016, as presented.
 2. G16-0189 Litton Loan Service & Carol Najor - 33927 Brookshire Drive
RESOLVED, to declare that a public nuisance exists on the property commonly known as 33927 Brookshire 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. G16-0193 Hupfel, John R. - 41703 Tetley Drive
RESOLVED, to declare that a public nuisance exists on the property commonly known as 41703 Tetley 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. G16-0192 Fannie Mae - 8777 Eighteen Mile Road
Code Enforcement Officer, Paul Geiger, stated as of today there were some changes to the property. Pictures were shown at this time.

Steve Naumovski, lives at property, was present. Mr. Naumovski stated that he was in front of the Board last year. He has beaten leukemia and is running for state office. He stated that last time he was here there were two dead trees. The one tree has come back. Both trees were called to the EPA originally. EPA is on the case and searching for the reason why the two trees were dying. Mr. Naumovski stated that he will cut the tree limbs but the tree stump will stay because it is a 1000 year old chestnut tree and he will carve something into it.

The other tree in front is close to the house and it is a mulberry tree and is bad for the roof

and he plans on cutting it down because it is bad for the house. Mr. Geiger stated that he is not aware of any ordinance on carving into tree stumps. Mr. Naumovski showed pictures to the Board from his phone. Mr. Ervin stated that looking at the records it looks like the house was lost to a sheriff sale back in February 2014. Fannie Mae is the actual owner of the house. Mr. Naumovski stated that this is heavily contested in Federal Court. It is in the US Court of Appeals for the 6th District. The company Fannie Mae did not pay the roofers for replacing the roofs. There was an insurance claim and the bank kept the money and never paid the builders. There was a sheriff sale which they are contesting; they were in the foreclosure process and into the redemption period and not paying the builders and therefore wasting the time of the redemption period and compromising the entire redemption process. It is not resolved yet. Mr. Ervin asked him if he is paying rent to Fannie Mae. Mr. Naumovski stated that he is not paying rent because there is no requirement to pay rent. The case is public. Mr. Ervin stated that there have been several OBA cases on this property. Fannie Mae should be representing the property. Mr. Naumovski stated that he can represent the property because he is contesting the foreclosure in court. He lives there and represents the property. Mr. Zdzieblowski asked Mr. Naumovski who is paying the taxes on the property. Mr. Naumovski stated that the owner is paying the taxes on the property and he doesn't want to explore the issue because it is still in court. The Federal Agency for Consumers Protection has an open investigation on this. Mr. Zdzieblowski stated that Mr. Naumovski is not the owner and is not paying taxes on the property. Mr. Naumovski said, "With all due respect my Polish friend you don't know the system and how it works and where we stand on this". Mr. Pitrone stated that our records indicate that Fannie Mae is the owner of the property. He asked if the property owner was present in the beginning and Mr. Naumovski said yes he was. Mr. Pitrone told Mr. Naumovski that he can contest it and he wishes him well but the Board must move on. The Board has to take action on the condition of the property.

Gary Blake, neighbor, was present. Mr. Blake stated this house has been in foreclosure for over 800 days on the internet and Fannie Mae is the owner. Mr. Blake stated that he never knew he wasn't paying rent or taxes and in his opinion Mr. Naumovski is squatting there. Mr. Blake showed the Board pictures of the property from today. Mr. Blake stated that this dead tree has been going on for three years.

Moved by McMartin, supported by Sala, RESOLVED, to declare that a public nuisance exists on the property commonly known as 8777 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, McMartin, Pitrone, Sala, Zdzieblowski

No: None. Absent: None. Motion carried.

- b. G16-0195 Tobia, Mawlood - 4050 Gardner Street
Code Enforcement Officer, Paul Geiger, stated as of today there were some changes to the property. Pictures were shown at this time.

Mawlood Tobia, owner, was present. Mr. Geiger stated that there is no pool at the property and a fence is not required so the homeowner could remove the dilapidated fence. Mr. Tobia stated that he purchased the home six months ago. His parents moved into it about two months ago and they don't speak English and have physical problems. He can have the fence fixed in about three weeks. Mr. Naumovski, resident, was present. Mr. Naumovski stated that two disabled people should have the Shine Committee helping them. He also stated that the City inspectors should help them clean up their property and not issue tickets. Mr. Pitrone congratulated Mr. Tobia for not being in front of this Board before, for telling the Board exactly how long he needs to finish and for taking care of most of the property issues before the hearing tonight. Mr. Ervin asked Mr. Tobia if he is planning on removing or fixing the fence. Mr. Tobia stated that it is up to his mom because she is the boss.

Moved by Ervin, supported by Sala, RESOLVED, to declare that a public nuisance exists on the property commonly known as 4050 Gardner Street and to direct the Code Official to abate the violations identified in the attached staff reports, which give rise to this finding after September 12, 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, McMartin, Pitrone, Sala, Zdzieblowski
No: None. Absent: None. Motion carried.

- c. G16-0197 Hammo, Wissam- 35353 Dunston Drive
Code Enforcement Officer, Paul Geiger, stated as of today there were some changes to the property. Pictures were shown at this time.

Ronna Hammo, owner's wife, was present. Ms. Ronna stated that they have three mobile kids and they don't go out into the front yard. She can't clean the property up. Her husband has seizures and an amputated leg. He just pays bills. She stated that she has called Shine for help but they don't have help at this time. Mr. McMartin asked Ms. Hammo if she understands what needs to be done. She stated that she can clean the property once the kids are back in school. Mr. Pitrone stated that it looks like mainly weed removal is needed. It is up to the property owner to maintain their property. It is a simple matter. This Board doesn't give weeks. Mr. McMartin stated that he would be in favor for one week.

Moved by McMartin, supported by Sala, RESOLVED, to declare that a public nuisance exists on the property commonly known as 35353 Dunston 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 29, 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, McMartin, Pitrone, Sala, Zdzieblowski
No: None. Absent: None. Motion carried.

10. Public Participation

- a. Mr. Naumovski asked the Board what the City Ordinance is regarding trees. Mr. Pitrone stated that Mr. Naumovski can find it online or call during business hours.

11. Adjournment

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

Yes: All. Motion carried.

The meeting was adjourned at 7:43 pm

Respectfully submitted.

John Pitrone - Chairman
Ordinance Board of Appeals
Appeals

Juli Sala - Secretary
Ordinance Board of