

CITY OF STERLING HEIGHTS

NOTICE OF PUBLIC HEARING

The Ordinance Board of Appeals held a public hearing at 7:00 p.m. on September 12, 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. Acting Chairman Ervin called the meeting to order at 7:00 pm
2. Roll Call John Pitrone - Chairman (excused), Juli Sala - Secretary, Robert Ervin, Benjamin McMartin, Michael Stickney, Paul Zdzieblowski, 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 - G16-0202, G16-0205, G16-0206, G16-0208, G16-0209, G16-0215 & G16-0224
 - b. Recreating Recreation video
4. Removal of Consent Items to New Business
 - a. Moved item 7 to New Business 9a. G16-0207 Fejzulla, Bardhyl & Festime - 39030 Pinebrook Drive
 - b. Moved item 11 to New Business 9b. G16-0211 Lazar, James - 5231 Botsford Avenue
 - c. Moved item 13 to New Business 9c. G16-0213 Bognar, Ivan & Juliana - 34443 Centennial Court
 - d. Moved item 16 to New Business 9d. G16-0216 Morrin, Elise M. - 34015 Northwood Court
 - e. Moved item 18 to New Business 9e. G16-0218 Bakowski, Richard - 37852 Lola Drive
 - f. Moved item 21 to New Business 9f. G16-0221 Morgan, Nathaniel & Teresa - 8734 Lozen Drive
5. Approval of Agenda
Motion by Stickney, supported by McMartin, to approve agenda
Yes: All. Motion carried.
6. Consent Agenda
Moved by Stickney, supported by McMartin, RESOLVED, to approve the Consent Agenda as amended:
 1. To approve the minutes of the regular meeting of August 22, 2016, as presented.
 2. G16-0203 Tava Investments - 13305 Fifteen Mile Road
RESOLVED, to declare that a public nuisance exists on the property commonly known as 13305 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.
 3. G16-0204 Diaz Bladimir - 35451 Townley Drive
RESOLVED, to declare that a public nuisance exists on the property commonly known as 35451 Townley 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. G16-0210 Bal, Gurninder & Ramandeep - 3210 Warrington Drive
RESOLVED, to declare that a public nuisance exists on the property commonly known as 3210 Warrington 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. G16-0212 Jamell, Steven W. - 34899 Campus Drive
RESOLVED, to declare that a public nuisance exists on the property commonly known as 34899 Campus 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. G16-0214 Dimovski, Zivko & Ubavka - 34019 Chatsworth Drive
RESOLVED, to declare that a public nuisance exists on the property commonly known as 34019 Chatsworth 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. G16-0217 Manriquez, Michael & Tonia - 33883 Shelley Lynne
RESOLVED, to declare that a public nuisance exists on the property commonly known as 33883 Shelley Lynne 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. G16-0219 Toal, James Robert - 37800 Longacre Drive
RESOLVED, to declare that a public nuisance exists on the property commonly known as 37800 Longacre 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. G16-0220 Harris, Shannon L. - 37488 Susan Street
RESOLVED, to declare that a public nuisance exists on the property commonly known as 37488 Susan 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.
10. G16-0222 Hooven, David - 5453 Gardner East
RESOLVED, to declare that a public nuisance exists on the property commonly known as 5453 Gardner East 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. G16-0223 Martini, Lena - 11282 Regal Drive
RESOLVED, to declare that a public nuisance exists on the property commonly known as 11282 Regal 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. G16-0207 Fejzulla, Bardhyl & Festime - 39030 Pinebrook Drive
Code Enforcement Officer, Paul Geiger, stated as of today there were some changes to the property. Pictures were shown at this time.

Bardhyl Fejzulla, owner, was present. Mr. Fejzulla stated that he needs more time. Mr. Sala asked Mr. Fejzulla how much time he needs. Mr. Fejzulla stated he needs one or two weeks.

Moved by Sala, supported by McMartin, RESOLVED, to declare that a public nuisance exists on the property commonly known as 39030 Pinebrook Drive and to direct the Code Official to abate the violations identified in the attached staff reports, which give rise to this finding after September 19, 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, Sala, Stickney, Zdzieblowski

No: None. Absent: Pitrone. Motion carried.

- b. G16-0211 Lazar, James - 5231 Botsford Avenue
Code Enforcement Officer, Paul Geiger, stated as of today there were some changes to the property. Add illegal shed to the agenda statement. Pictures were shown at this time.

James Lazar, owner, was present. Joshua Weelock, attorney for Mr. Lazar, was present. Mr. Weelock stated that there was a disconnect between his client and the City. Mr. Lazar has been working on cleaning up the yard. He understands that he needs new plans and might have to take the structure down. He has an expired permit for the addition and may need to submit new plans. He is cleaning up the trash and working on resolving it. Mr. Weelock stated that Mr. Lazar needs to speak to an architect/engineer. He would like sixty days. Mr. Ervin asked if the work has stopped. Mr. Weelock stated, "Yes." Mr. Geiger stated that a permit was pulled in 2013 but was denied. There is no permit. Ms. Gerstenberg stated that if a permit was never approved then there is no permit. Mr. Sala stated that the structure being built looks to be higher than fifteen feet. Mr. Weelock stated that his client is aware that it might need to be removed. Mr. Weelock stated that Mr. Lazar has turrets and he doesn't understand that the permit wasn't approved. Mr. McMartin asked when the shed structure went up. Mr. Weelock stated that the shed structure went up recently. Mr. McMartin stated that he is not comfortable with leaving the structure up for sixty more days. Mr. Sala asked if there is construction plans ready to be submitted to the City. Mr. Weelock stated that his client is not ready and needs the sixty days to get the property permits in place. Mr. Sala stated that the structure needs to be safe. Mr. Ervin stated that the shed is recent and looks scary and he is concerned about every ones safety. There is no reason he can't get permits in thirty days maximum. The City has been more than lenient. Mr. Geiger stated that the shed was denied and exceeds the height requirements. Mr. Weelock stated we just want the proper permits and if the shed has to come down Mr. Lazar understands.

Moved by McMartin, supported by Zdzieblowski, RESOLVED, to declare that a public nuisance exists on the property commonly known as 5231 Botsford Avenue and to direct the Code Official to abate the violations identified in the attached staff reports, which give rise to this finding after September 19, 2016 and after September 26, 2016 for proper permits and plans for the addition. 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, Sala, Stickney, Zdzieblowski

No: None. Absent: Pitrone. Motion carried.

- c. G16-0213 Bognar, Ivan & Juliana - 34443 Centennial Court
Code Enforcement Officer, Paul Geiger, stated as of today there were some changes to the property. Pictures were shown at this time.

Joseph Bognar, owner's son, was present. Mr. Bognar stated that it is his responsibility to take care of his parent's property. He took off a week to clean it up and he will take the tree down. Mr. Sala stated he was happy that Mr. Bognar took responsibility to

clean up the property and has not been in front of the Board before.

Moved by Sala, supported by Zdzieblowski, RESOLVED, to declare that a public nuisance exists on the property commonly known as 34443 Centennial Court and to direct the Code Official to abate the violations identified in the attached staff reports, which give rise to this finding after September 19, 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, Sala, Stickney, Zdzieblowski

No: None. Absent: Pitrone. Motion carried.

- d. G16-0216 Morrin, Elise M.- 34015 Northwood Court
Code Enforcement Officer, Paul Geiger, stated as of today there were no changes to the property. Pictures were shown at this time.

Elise Morrin, owner, was present. Ms. Morrin stated that she is disabled and wasn't able to tend to her property this year. Most of the overgrowth and garbage is gone. She stated that she is working on getting the van removed. She asked the Board for thirty days to fix the structure. Mr. Ervin stated that the structure is not permitted and she should check with the City if it is allowed before she sinks too much money into it.

Moved by Sala, supported by Zdzieblowski, RESOLVED, to declare that a public nuisance exists on the property commonly known as 34015 Northwood Court and to direct the Code Official to abate the violations identified in the attached staff reports, which give rise to this finding after September 19, 2016 and the illegal structure must be removed or in compliance by October 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, Sala, Stickney, Zdzieblowski

No: None. Absent: Pitrone. Motion carried.

- e. G16-0218 Bakowski, Richard- 37852 Lola Drive
The Board asked the audience if this case could be heard first so the owner could get home before it gets too dark since he came to the meeting on a bicycle. There was no objection from the audience. Code Enforcement Officer, Paul Geiger, stated as of today there were no changes to the property. Pictures were shown at this time.

Richard Bakowski, owner, was present. Mr. Bakowski stated that he is an environmentalist and a tree hugger. He belongs to PETA and Green Peace. He uses a bicycle to get around. Mr. Bakowski stated that he has a wooded area behind his house. He does the best he can and when he is told something is wrong with his property he does it. He was told by the code enforcement officer what needed to be done so he worked on it today. Mr. Stickney stated that the initial inspection date was July 26, 2016. Mr. Bakowski stated that he only uses hand tools with no power. He is a Vietnam vet. Mr. McMartin stated that he applauds Mr. Bakowski for getting started. The inspector has walked with Mr. Bakowski and explained everything to him. Mr. McMartin asked Mr. Bakowski how long he needs. Mr. Bakowski stated he needs one week.

Dustin Rust from Shelby Township, was present. Mr. Rust stated that Mr. Bakowski might need a little longer than a week to get his property cleaned up and maybe the City can find someone to help him out. Mr. Bakowski stated that he is still capable of doing yard work. He doesn't understand how it got away from him.

Moved by McMartin, supported by Stickney, RESOLVED, to declare that a public nuisance exists on the property commonly known as 37852 Lola Drive and to direct the Code Official to abate the violations identified in the attached staff reports, which give rise to this finding after September 19, 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, Sala, Stickney, Zdzieblowski
No: None. Absent: Pitrone. Motion carried.

- f. G16-0221 Morgan, Nathaniel & Teresa - 8734 Lozen Drive
Code Enforcement Officer, Paul Geiger, stated as of today there were no changes to the property. Pictures were shown at this time.

Teresa Morgan, owner, was present. Ms. Morgan stated that the grass was cut yesterday and the weeds were all done along the house. The Board had Mr. Geiger go over the pictures again with Ms. Morgan. The pictures from today still had nuisance growth. Ms. Morgan stated that she was only told to do the driveway. Mr. Ervin stated that it all falls under nuisance growth and how long does she need to get everything done. Ms. Morgan stated one week.

Moved by Stickney, supported by Zdzieblowski, RESOLVED, to declare that a public nuisance exists on the property commonly known as 8734 Lozen Drive and to direct the Code Official to abate the violations identified in the attached staff reports, which give rise to this finding after September 19, 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, Sala, Stickney, Zdzieblowski
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 8:26 pm

Respectfully submitted.

Robert Ervin

Acting Chairman
Ordinance Board of Appeals
Appeals

Juli Sala

Juli Sala - Secretary
Ordinance Board of