

**APPROVED MINUTES OF THE
CITY OF ST. CLAIR SHORES
ZONING BOARD OF APPEALS
May 4, 2023**

Present:

Lee Bertolo, Chairman
Bill Lince, Vice-Chairman
Duane Michno
Thomas Budnick, Secretary
Tony Bellestri
Steve Scavone
Mark Moffitt

Alternates:

Thomas McKenney
Peter Stellas

Also, Present:

Denise C. Pike, Community Director
Julie Kandt, Recording Secretary
Eric Shepherd, City Attorney

Absent:

Call to Order

Chairman Bertolo called the meeting to order at 7:00 p.m., roll was called and a quorum was present. The Pledge of Allegiance was said by all. Secretary Budnick instructed the petitioner that it is understood by the Zoning Board of Appeals that their presence here tonight constitutes that they are a legal representative of the petitioner and that each statement of intent, promise and/or pledge, made by the petitioner or agent, either orally or in writing, permitted by ordinance shall be binding upon the petitioner and shall be a condition of set variance if approved.

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Case No. 01-2023 – Justin and David Roth on behalf of Shores Lanes Incorporated – 31100 Harper

Re: ASSESSOR'S PLAT NO 69 (L43, P32) LOTS 4-8 ALSO PART OF LOT 1 OF ASSESSOR'S PLAT NO 33 DESC AS FOLL; COMM AT NE COR LOT 1; TH N85°43'30"W 655.15 FT, TH S2°23'W 170 FT TO PT OF BEG; TH S2°23'W 453.55 FT; TH N89°45'W 133.10 FT; TH N2°23'E 453.76 FT, TH S89°45'

Location: South of 13 Mile Rd., East side of Harper

REQUEST: Request for an 81 parking space variance for a Par 3 Miniature Golf Course, request for a 2 foot height variance for a decorative fence, and a request for a 6 foot setback variance for a fence within the Harper Avenue Right of Way. (*Zoning Ordinance Chapter 48 Article XII-15.290 B-2 Community Business District, Article XXXII Harper Avenue Overlay District Section 48-969-Site Design Standards for Off-Street Parking, and Section 48-949-Retail node*) **Approved at 2/2/2023 ZBA meeting for Request for a permanent use variance for Outdoor Commercial Recreation.**

Justin Roth set up a series of enlarged photos on tripods. We have a 65-year-old business, what I'm proposing to do will keep us viable for another 60 years. I've gone around the city, I've taken

pictures of different situations where variances have already been approved. I want to erect a fence, I'm hoping to address your concerns from last time. EOS Café built recently, they put up seating close to the sidewalk. Little Brothers Ice Cream, their building goes right up to the sidewalk. Rodgers Elementary School, you have to pull up or pull back a little. Site line does change at some. Nino Salvaggio, they do have slotted fencing which is what I'm looking to do. Residential, I have 31727 Jefferson, brick fence. 31717 Jefferson, fence is similar to the one I'm looking for. Eagle Point neighborhood, similar to what I want. Memorial Park, Kennedy Middle School. The most important picture, my parking lot. I have a unique property, (*pictures illustrated how you can see from various site points*). I think I've showed how the fence would have no visual obstruction. It will help keep people out of the mini golf course. Parking, I believe we do have enough. Over the summer, we don't have a lot of cars in the lot. Overflow, the dentist next door would be willing to share if needed, same with Shores Car Care. One complaint from Shores Crossfit, I would do my best to educate my customers on not parking over there. I believe the fence and the columns have been successful in the past. The trend of my industry is switching from individual bowlers to families coming in groups. In terms of parking, I'm just switching from one to the other in off months. This is a third generation business and we've been faithful to the community.

Resident in audience, Michael Mclsaac, 21535 Hoffman. My first question would be, what is the size of the proposed golf course. Bertolo said it would consume the entire front end of the parking lot. Pike said the parking variances that were granted last year were for a conditional use and therefore that variance expired when the condition expired. Mclsaac said 81 parking spaces, that's substantial. Regulation codes were created to protect the area, we need to be very careful. Possible danger for the Hoffman fire lanes, we addressed that last time we were here. Our primary concern is there used to be barriers that enclosed the parking spaces for the bowling alley. Over time they eroded and weren't replaced. They're using ingress and egress from neighboring businesses. What we want mandated is that all arrivals and departures be entered only through their property, the entrance between the bowling alley and dentist office. To ensure this, we would like to see the parking lot with a fence to assure this. There's a lot of traffic, you may want to consider only a right turn out of there. When will the closing of operation be? Bertolo said he doesn't know.

Budnick said there is no additional correspondence from the community. Petitioner provided plot plan and 26 photos.

Michno said the only changes you're making is the fence itself, I looked this over, last time I wasn't in favor, but I'm looking at this differently now. Accidents are accidents, they could happen anywhere. Bellestri said the curbs going into the Crossfit parking lot, they're low lined, who's responsibility is that. Pike said if the board were to condition any approval on those curbs being increased, it would be his responsibility. Bellestri said Crossfit's hours are nighttime also. Your presentation was fantastic. Bertolo asked the hours. Petitioner said 8pm or 8:30pm is the last time they sell tickets. I'm a family friendly business. Budnick asked does the ordinance dictate hours for this type of business, Pike said no. Lince asked about lighting, petitioner said lighting would face inward. Pike said the review for the lighting is incomplete at the time but when it does go under review, our City Planner is very diligent.

Scavone pointed to a picture and asked about wall. We have to take into consideration how it impacts neighbors. Personally, I feel you have enough parking, but we don't want your customers to cause issue for neighbors. What is the requirement for the height of the fence. Pike said 6 feet,

petitioner said they are requesting 5 feet. Petitioner said that fence is the same fence, and we are going to have pillars. The columns would have footings and it would be a barrier, and there are other natural barriers. What's in the packet is the fence we want to use. Pike said he is asking for the 5-ft fence in lieu of the knee wall. Petitioner said the posts would likely be brick.

Moffitt said the city spent a lot of money on the Harper Overlay, it's a waste of money to keep going away from it. To me, I'd like to stay with the Harper Overlay game plan, to match what's going on.

Motion by Bellestri, seconded by Moffitt, to approve 81-parking parking space variance for a Par 3 Miniature Golf Course with provisions to taller curbs from lot to lot for prevention of curb lot cutoffs.

A roll call vote was taken.

Ayes: 7

Nays: 0

Motion: Passed

Request for a 2-foot height variance for a decorative fence.

Motion by Moffitt, seconded by Budnick for a 30-36" kneewall and you can finish it with a decorative fence on top of it.

A roll call vote was taken.

Ayes: 6

Nays: 1 (Bertolo)

Motion: Passed

Moffitt said this is a big safety feature and it's the Harper Overlay. Scavone said the kneewall could be anywhere from 30-36 inches, Moffitt said yes.

Request for a 6-foot setback variance for a fence within the Harper Avenue Right of Way
Moffitt asked if additional insurance is needed for this. Pike said a Hold Harmless would be required as part of the permit process. Scavone asked if Harper is going to be widened soon. Pike said it's a county road, but I would hope not.

Motion by Scavone, seconded by Lince, to approve a 6-foot setback variance for a fence within the Harper Avenue Right of Way. Approved with a hold harmless agreement signed by the property owner.

A roll call vote was taken.

Ayes: 7

Nays: 0

Motion: Passed

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Case No. 08-2023 – Joseph Paluzzi on behalf of MHB Heritage Condominiums, LLC – 23415 Jefferson

Re: A/P NO. 7 (L14, P36-38); PART OF LOT 68, DESC AS: BEG AT INTER WLY LINE OF JEFFERSON AVE AND NLY LINE OF LOT 68; TH S26°36'30 E 120.20 FT; TH N68°21'52 W 432.17 FT; TH N21°38'00 E 81.80 FT; TH S68°10'57 E 341.76 FT TO POB

Location: South of 9 Mile Rd., West side of Jefferson

REQUEST: Request for a 12.5 foot distance variance between building A and building B, a 30 foot front setback variance for building B, a 25.6 foot rear yard setback variance for Building A, a 20.8 foot side yard setback variance for building A and building B, and a 20 foot side yard setback for building A and building B. If the petitioner does not combine this lot with the rest of the Heritage development, then a 12.7% lot coverage variance will also be required. (*Chapter 48 - Zoning, Article XVIII. – 15.480 Schedule of regulations, Sec. 48-513. Schedule limiting height, bulk, density and area by zoning districts*).

Ron Watiff from MHB Heritage Condominiums, on behalf of Joseph Paluzzi, said we want to build two more buildings. We've had several meetings with planning, the shape is slightly irregular, so the variances would help us conform. We are not requesting the last variance, we are joining the association, so we don't need the 12.7 % lot coverage variance. It will become one development.

Scavone said when you look at the whole complex, on some of these driveways, is there going to be enough room for a car. Petitioner said each unit will have enough pass-thru at the sidewalk, cars will not pass the sidewalk. Scavone said it's very consistent. Petitioner said the new units will match what's there. Bellestri asked if combining the lots is a good thing. Pike said they wouldn't be over on coverage now.

Scavone said this new portion is conforming with the other, it has no negative impact on neighboring properties, and there won't be a line-of-sight issue for ingress or egress

Motion by Scavone, seconded by Bellestri to approve the request for a 12.5 foot distance variance between building A and building B, a 30 foot front setback variance for building B, a 25.6 foot rear yard setback variance for Building A, a 20.8 foot side yard setback variance for building A and building B, and a 20 foot side yard setback for building A and building B.

A roll call vote was taken.

Ayes: 7

Nays: 0

Motion: Passed

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Case No. 09-2023 – Joseph Goddyn and Laurel May – 22964 Colony

Re: POTTS & POTTS ST. CLAIR COLONY SUBDIVISION (L8, P26) LOT 66

Location: North of Marter Rd., West of Jefferson

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REQUEST: Request for a 2' total height variance for a new accessory structure.
(Chapter 48 - Zoning, Article XVIII. – 15.480 Schedule of regulations, Sec. 48-513. and Article XIX. – 15.495 General Provisions, Sec. 48-550. Accessory buildings / structures).

Joseph Goddyn said I want the height for a loft for storage.

No additional correspondence.

Scavone your wall height will be 8 ft, and garage door will be 7 feet. Do you have any finishes planned for that upstairs attic, strictly storage. Petitioner said not as of now. Scavone said as you know it can't be converted into living space. Scavone asked if it will be heated, petitioner said no. Existing garage will be torn down.

Michno asked if you have talked to the neighbors. Petitioner said I have signatures from one. Michno noted that no neighbors were here.

Motion by Bellestri, seconded by Budnick, to grant the request.

A roll call vote was taken.

Ayes: 6

Nays: 1 (Scavone)

Motion: Passed

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Case No. 10-2023 – Matthew and Sarah Cook – 22754 Worthington Ct

Re: WORTHINGTON ON THE LAKE SUBDIVISION (L3, P21) LOTS 41 & 42 ALSO OUTLOTS J & K OF SHOREWOOD MANOR NO 2

Location: North of 11 Mile Rd., East of Jefferson

REQUEST: Request for 3.5 foot width variance to allow a garage to exceed 55% of the front façade of a home. Request for a variance to allow a garage to extend beyond the remainder of the front façade of the home. (Chapter 48 - Zoning, Article XVIII. – 15.480 Schedule of regulations, Sec. 48-513. and Article XIX. – 15.495 General Provisions, Sec. 48-550. Accessory buildings / structures).

Matthew Cook said the current layout is already in nonconforming condition. The addition on the front of the garage impedes that. The plan is so we can have a mudroom and get into the house on the main floor. Bertolo asked if you were before us before. Petitioner said I was, before I was going both directions, now I'm just going one direction to save money. Pike said those minutes are in your packet.

No additional correspondence.

Lince said you're merely adding on to an existing nonconforming. Petitioner said yes. Bellestri asked if this will make it safer for egress. Petitioner said yes. Bellestri said you're adding a nice new porch.

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Motion by Budnick, seconded by Michno to approve the request.

A roll call vote was taken.

Ayes: 7

Nays: 0

Motion: Passed

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**Case No. 11-2023 – Stucky Vitale Architects on behalf of Mary Bricolas – 23230
Greater Mack**

Re: NINE-MACK URBAN RENEWAL PLAT NO. 1 (L78, P34-36) LOT 23 ALSO A 14.56% INTEREST IN SAD #33 DESC AS NINE-MACK URBAN RENEWAL PLAT NO. 1 (L78, P34-36) THE S 1' OF LOT 24, THE W 3' OF LOT 24, THE N 6' OF LOT 24, ALL OF LOT 25, AND ALL OF VAC ALLEY LYING ADJ

Location: South of 9 Mile Rd., East side of Greater Mack

REQUEST: Use Variance to allow a residential use within a B-3 District, request for a 17 space parking variance. (*Chapter 48 - Zoning, Article XIII. – 15.320 B-3 General Business Districts, Sec. 48.368. – Principal uses permitted. and Article XIX-15.495 General Provisions, Sec. 48-551-Off Street Parking*)

Budnick said the parking space variance was reduced to 10, petitioner said that is correct.

Petitioner showed rendering, exterior window and brick, no site modifications. Bellestri said is that your color scheme, petitioner said yes.

Scavone said do you have any updates on this area's parking study. Pike said the parking study found that on most days there is ample parking, but it is getting busier. Special event nights is wherever parking can be found. There's a plan to update the zoning ordinance to have parking requirements more up to date. Scavone said so in the direction we're heading, they might not have even needed a variance. Pike said the vision for residential living is in the master plan, Scavone asked how many units, petitioner said 7 one-bedroom units, about 600-750 sq feet each. Petitioner said there are doors already existing for entrance, and there are no roof top plans. Michno asked if it's an SAD lot, Pike said it was but it's expired. The Downtown Development Authority is exploring options for it.

Motion by Budnick, seconded by Scavone, to approve the use variance because it aligns with the master plan.

Motion by Bellestri, seconded by Michno, to approve parking variance for 10 spaces.

A roll call vote was taken.

Ayes: 6

Nays: 1 (Bertolo)

Motion: Passed

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Other Business:

1. Approval of minutes from the April 6, 2023 ZBA meeting.

Motion made by Commissioner Michno, supported by Commissioner Lince to approve the April 6, 2023 ZBA minutes.

Ayes: All

Nays: None

Motion: Passed

2. Adjournment.

Motion was made by Commissioner Budnick and supported by Commissioner Lince to adjourn the meeting at 8:20 PM.

Ayes: All

Nays: None

Motion: Passed