

**APPROVED MINUTES OF THE
CITY OF ST. CLAIR SHORES
ZONING BOARD OF APPEALS
JUNE 1, 2023**

Present:

Bill Lince, Vice-Chairman
Steve Scavone, Acting Secretary
Lee Bertolo, Chairman
Mark Moffitt
Duane Michno
Peter Stellas, Alt

Alternates:

Thomas McKenney

Also, Present:

Eric Shepherd, City Attorney
Veronica Black, Recording Secretary
Denise C. Pike, Community Director

Absent:

Tony Bellestri, excused
Thomas Budnick, Secretary, excused

1. 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. Acting Secretary Scavone 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.

It was moved by Commissioner Stellas supported by Commissioner Moffitt to excuse Commissioner Bellestri and Secretary Budnick from the meeting.

Ayes: All

Nays: None

Absent: Bellestri, excused, and Budnick, excused

Motion: Passed

2. Cases to be Heard

Case No. 14-2023 – Jin Oh – 19925 Mauer

Re: NOTRE DAME WOODS SUB'N NO. 3 (L32, P11) LOT 152 EXC BEG AT NE COR; TH S'LY ALG E LINE LOT 152, 134.43 FT TO SE COR LOT 152; TH W'LY ALG S LINE LOT 152, 3.68 FT; TH N'LY TO A PT IN THE N LINE LOT 152, SAID PT BEING 0.68 FT W OF NE COR LOT 152; TH E'LY ALG N LINE LOT 152, 0.68 FT TO POB, & THE E 2.68 FT LOT 153

Location: North of 8 Mile Rd., East of Interstate 94

REQUEST: Request for 28 square foot total lot and 185.13 square foot rear lot coverage variance. Request for 48 square foot size variance for a second 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).*

Homeowners of 19925 Mauer, Jin Oh and Sandra Wolschon present. Bertolo explained that the Zoning Board has a total of seven members, and six are present tonight. The Petitioners have the option to table their case until the next meeting in order to be heard before a full Board. Otherwise, if they are heard tonight, five of the six present Board members must vote “yes” for the variance to be granted. The Petitioners agreed to be heard tonight for their variance.

Oh thanked the Board for hearing the case and explained the request. The home was purchased with an in-ground pool, and there is a lack of shade in the rear yard that presents a problem, specifically for Wolschon who has a medical condition. Oh explained that the proposed gazebo would not negatively impact his neighbors, and would allow for shade in the rear yard so that the pool may be enjoyed.

Audience Participation: None

Correspondence:

Acting Secretary Scavone read a late-received letter into the record from neighbor Thomas H. Huyghe, 19918 Mauer:

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Regarding a variance for the property of 19925 Mauer.

The request for a variance I would like to see this variance turned down. They have built on the easement with a shed and also a gazebo. They have a two-car garage that is not used for vehicles. They have concrete under the gazebo and shed.

I don't know if you go out to inspect the property but I think he is in violation of code.

Please turn this request down. Thank you.

Pike explained that the lot coverage is maxed out given the current structures on the property. The lot is existing non-conforming. Both Pike and Shepherd confirmed that the DTE easement is not to be evaluated by the Zoning Board.

Pike stated that the property currently has three accessory structures: a garage, a shed, and the proposed gazebo, which appears to have already been erected. Oh explained that the gazebo shown on Google Earth is a soft top, temporary gazebo; it is not the purposed hard-top structure being considered today. Acting Secretary Scavone stated that the shed is not very large, has a waterproof floor, and sits on cement. Pike confirmed that an accessory structure less than 24 sq ft would not require a permit. Oh stated that the shed was recently

purchased at Cosco, is approximately 6' x 5', and was recently erected on the property by the homeowners.

Pike referenced the Board's packet of materials, and the lot coverage calculations that were established by the City Planner. The shed was not permitted by the City and was not on the drawings that were presented with the gazebo permit. Shepherd explained that the shed behind the garage was not taken into consideration when determining lot coverage.

Commissioner Stellas questioned if concrete in the rear yard was permitted. Pike explained that patios do not require permitting from Community Development.

Commissioner Michno questioned if a pool is an accessory structure, Pike clarified that pools are not considered an accessory structure, but pools are considered when determining lot coverage.

Oh confirmed that the 12' x 16' gazebo is aesthetically pleasing, and has curtains to allow for more shade. Acting Secretary Scavone said their yard looks nice. A condition of approval could be the requirement to remove the shed; Oh said he would be fine with that.

Shepherd explained that the Board can grant their variance, then the Petitioners can discuss the shed with CDI.

It was moved by Commissioner Lince supported by Commissioner Moffitt, to approve the requests for a 28 square foot total lot coverage variance, a 185.13 square foot rear lot coverage variance, and a 48 square foot size variance for a second accessory structure due to the existing non-conformity of the lot.

A roll call vote was taken.

Ayes: Moffitt, Lince, Michno, Scavone, Stellas, Bertolo

Nays: None

Absent: Bellestri, excused, and Budnick, excused

Motion: Passed

Case No. 15-2023 – Virginia Carriveau on behalf of The Loop Hair & Nail Salon – 25835 Jefferson

Re: STATLER HEIGHTS ANNEX SUB'N (L7, P54) LOTS 70 & 71

Location: North of 10 Mile Rd., West side of Jefferson

REQUEST: Request for use variance to allow a tattoo establishment (adult personal service business) within a B-1 district. (Chapter 48 – Zoning, Article XI. – 15.260 B-1 Local Business District, Sec. 48-305. Principal uses permitted).

Virginia (Gina) Carriveau, salon owner, present, along with her daughter Veronica.

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Shepherd explained that the Zoning Board has a total of seven members, and six are present tonight. The Petitioners have the option to table their case until the next meeting in order to be heard before a full Board. Otherwise, if they are heard tonight, five of the six present Board members must vote “yes” for the variance to be granted. The Petitioners agreed to be heard tonight for their variance.

Carriveau explained that The Loop Salon has been a family-owned business for 21 years doing hair and nails. Her daughter, Veronica, is a tattoo artist and wishes to offer tattoo services at the salon. Carriveau explained that the salon currently has five hair chairs, three pedicure chairs, and two manicure chairs. The salon will be transitioning to a total of four hair chairs, one pedicure chair, and one manicure chair along with one tattoo chair in a separate room. Carriveau stated that all Macomb County Health Department tattoo guidelines will be followed.

Pike explained that tattooing is considered an adult personal service business and isn't a permitted use in any City location, regardless of zoning. Tattooing has not yet come before the City Council for re-evaluating.

Garrison Tattoo was approved for a similar use variance in 2022, the City has received no complaints.

Audience Participation: Councilman David Rubello gave a statement of support for the case.

Correspondence: None

It was moved by Commissioner Michno supported by Vice Chairman Lince, to approve the request for use variance to allow a tattoo establishment (adult personal service business) within a B-1 district.

A roll call vote was taken.

Ayes: Michno, Lince, Scavone, Moffitt, Stellas, Bertolo

Nays: None

Absent: Bellestri, excused, and Budnick, excused

Motion: Passed

3. Approval of the minutes from May 4, 2023 ZBA Meeting

It was moved by Commissioner Michno, supported by Commissioner Moffit, to approve the May 4, 2023, ZBA meeting minutes.

Ayes: All

Nays: None

Absent: Bellestri, excused, and Budnick, excused

Motion: Passed

4. Audience participation

Bertolo questioned how to get a third alternate Board Member to sit on the Zoning Board. Pike will ask the City Clerk's office how to request this.

5. Adjournment

It was moved by Commissioner Michno, supported by Commissioner Stellas, to adjourn the meeting at 7:40 p.m.

Ayes: All

Nays: None

Absent: Bellestri, excused, and Budnick, excused

Motion: Passed