

**MINUTES OF THE  
CITY OF ST. CLAIR SHORES  
ZONING BOARD OF APPEALS  
AUGUST 5, 2021**

**Present:**

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

**Alternates:**

**Absent:**

Duane Michno, Excused  
Peter Stellas, Excused  
Chris Rayes, Community Director

**Also, Present:**

Eric Shepherd, City Attorney  
Shantelle Hubbard, Recording Secretary

**Call to Order**

Chairman Bellestri 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.

Chairman Bellestri and the board wishes Duane Michno a fast recovery.

**A motion was made by Vice-Chairman Scavone, and seconded by Commissioner Lince, to excuse Commissioner Michno and Stellas from tonight's meeting.**

**A ROLL CALL WAS TAKEN:**

**AYES: ALL**

**NAYS: NONE**

**MOTION: PASSED**

Both cases are dimensional variances they will need four votes to pass. Due to the fact that not all board members are present the petitioners were given the opportunity to proceed or wait until next month where they may have a full board present.

**Case No. 35-2021 – Paul Korzetz – 28624 Kimberly Lane (Rescheduled from 7/8/21 ZBA Meeting)**

Re: THIELE'S ST. CLAIR ESTATES SUBDIVISION (L38, P19-20) LOT 12

Location: North of Martin Road, East of Little Mack

REQUEST: Request for a 5.5 foot rear setback variance for an addition. (*Zoning Ordinance 15.481, Schedule of Regulations*)

David Bellinger, attorney representing Paul Korzetz for 28624 Kimberly Lane, this request is for a 5.5' rear setback variance for a proposed addition for the property. There is a unique circumstance due to the configuration of the property. The plat map shows the parcel is squeezed between homes on Winkel and on Michael Court. If they look out the rear the site line goes across the backyards of all of these homes. The site line is like a prairie a long expanse there are no homes there and it will not protrude on a window, backyard or a garage. It may be typical of some of these other homes back-to-back. Given that adjacent angle there is no direct field position or circumference included in any of this. There is a unique circumstance due to the angle of the land and the configuration of the lot lines. There are number of letters from the neighbors indicating approval and consent to the proposed set back of the property.

**Audience Participation:** None

**Correspondence:** Letters in the file

Vice-Chairman Scavone asked how did this request change from the last time. The petitioner stated that it was reduced. Commissioner McKenney asked the petitioner if it was cut back about a half of foot. The petitioner stated "yes". He asked about the lot line on the right-hand side on Michael Ct. side it is 111.12 feet and on the other side which is the Winkel side that is 105.22. Different dimensions on each side because of the angle. It is a shallow lot. The average lot is about 120' so it is about nine feet short of an average lot.

Vice-Chairman Scavone stated that when the petitioner was here last time when looking at an aerial map all down the street there are numerous family room additions that stick out further. He feels personally as he did the last time, that there is a unique shape to this lot and it is a shallow lot. This is a text book case for granting the variance. Commissioner McKenney asked if he had approval from the neighbors on each side. Mr. Korzetz stated he has letters from the neighbors all around included the neighbors on each side of his house.

**It was moved by Commissioner McKenney, supported by Secretary Budnick, to approve the request for a 5.5-foot rear setback variance for an addition because of the shallowness and uniqueness of the shape of the lot and there are existing situations on the street further down.**

**A roll call vote was taken.**

**Ayes: McKenney, Budnick, Bertolo, Scavone, Moffitt**

**Nays: Lince**

**Recuse: Bellestri**

Zoning Board of Appeals

August 5, 2021

Page 2 of 5

**Absent: Michno, Stellas**  
**Motion: Passed**

**Case No. 39-2021 – Vincent Bueti – 22901 Lingemann**

Re: ROSSIN & RINGLER'S CHAPOTON WOODS SUBDIVISION NO. 4 (L28, P28) LOT 296

Location: South of Nine Mile Rd., West of Jefferson

REQUEST: Request for 5.9% total lot coverage and 158.56 square foot rear coverage variance for a new garage. (*Zoning Ordinance 15.481, Schedule of Regulations and 15.499, Accessory Structure*)

Vincent Bueti, 22901 Lingemann, he had a garage and they have a built-in pool in the back yard there is a concrete deck around it. He took the garage down that was there. It was dilapidated and the water was washing the whole side out and making it unsafe. The concrete pad under the old garage was all cracked up. He just wants to replace what was originally there.

**Correspondence:**

**Letter –** “07/30/21 Linda Wisniewski, 22907 Lingemann, St. Clair Shores – Hello, I am writing about 22901 Lingemann asking to have concrete for their garage replacement. I have lived in my house for over 60 years and I know the garage was original that there are asking to replace. I can say that the old garage was not safe and needed to be removed. My neighbors are not asking for anything but to replace what they had and the new garage will help with the property value in the neighborhood. I have no issues or complaints on the request for the slab. If you have any questions, please feel free to contact me Thank you, Linda Wisniewski.”

**Letter –** “07/30/21 Daniel Wooden, 22861 Lingemann, St. Clair Shores – RE: 22901 Lingemann – Variance for concrete. Good evening Council Members of St. Clair Shores, I am writing this letter in regard to the letter I received in the mail on 22901 Lingemann requesting a concrete slab of 14’ x 20’ for their garage. I have no complaints or issues with the request of the building of the garage. If you have any questions, please feel free to contact me. Daniel Wooden.”

Photos were submitted of the previous structure.

**Audience Participation: None**

Chairman Bellestri asked Mr. Shepherd if this is existing non-conforming now? Mr. Shepherd asked if they are staying on the same footprint? The petitioner stated “yes”. Mr. Shepherd replied that this would be existing non-conforming because it probably was not looked at since the ordinance has changed. Mr. Rayes needs to verify this information.

Commissioner Lince understands that it is existing non-conforming should he not need the variance for a setback requirement. The side yard is 2.6' for detached. Commissioner Lince asking if they are replacing the existing cement on the existing footings. The petitioner stated that the floor and the footings will be removed because it was all one piece. A rat wall will be put in.

Chairman Bellestri asked if he is doing the same footprint. Petitioner stated that he will tell the contractor that it will be on the same footprint.

Commissioner McKenney asked the petitioner if the height will be the same as the old garage. The petitioner stated that it is 14.5' in height because he will have one row of masonry block.

Vice-Chairman Scavone stated that his lot size 5,645 sq. ft. this is a shallower lot than an average lot. Average lot is 6,000 sq. ft. There is a practical difficulty here. This is a modern size garage. The way they calculate the pool if it was flushed to the patio on the grass they would not be here. But now the pool is included in the lot coverage. He is not making the garage any bigger. He can have up to a 9' wall and total height not to exceed 15'. There is a few items that will allow us to approve this request.

**It was moved by Vice-Chairman Scavone, supported by Commissioner Lince, to approve the request for a 5.9% total lot coverage and 158.56 square foot rear lot coverage variance for a new garage. For the reason that he is just replacing an existing non-conforming garage with a new garage with new footings and material. He has a narrow lot if he was on an average size lot the 5.5' variance would go away. The inground pool is flushed with the ground but because the way they counted that is why he needs a large 158.56 square foot rear yard variance. It is not creating any lines of site views and not creating light blocking from the neighbors.**

**A roll call vote was taken.  
Ayes: All  
Nays: None  
Absent: Michno, Stellas  
Motion: Passed**

Vice-Chairman Scavone stated to the petitioner to make sure that there is 2.5' on the side.

**Other Business:**

**APPROVAL OF THE MINUTES FROM JULY 8, 2021 ZBA MEETING**

**Page 4, last paragraph second sentence it states: “items those are both required.” It should be “items that are both required.”**

**Page 5, second paragraph third sentence it states: “establishment in the city that would allow a temporary six-foot chain-link fence.” It should be “establishment in the city that we have allowed a temporary six-foot chain-link fence.”**

Page 5, second motion add “*Approved by CDI*” to the end of the motion.

It was moved by Secretary Budnick, supported by Commissioner Bertolo, to approve the July 8, 2021, ZBA meeting minutes, as amended.

Audience participation: None

Adjournment:

It was moved by Secretary Budnick, supported by Commissioner Bertolo, to adjourn the meeting at 7:30 p.m.

Ayes: All

Nays: None

Absent: Michno, Stellas

Motion: Passed