

**APPROVED MINUTES OF THE  
CITY OF ST. CLAIR SHORES  
ZONING BOARD OF APPEALS  
FEBRUARY 2, 2023**

**Present:**

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

**Absent:**

None

**Alternates:**

Peter Stellas, Excused  
Thomas McKenney, Excused

**Also, Present:**

Denise C. Pike, Community Director  
Debra Costanzo, Recording Secretary

**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.

**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 a permanent use variance for Outdoor Commercial Recreation, request for an 81-parking space variance for a Par 3 Miniature Golf Course, request for a 3 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*)

**Audience Participation:** None

**Correspondence:** Petitioner submitted a 5 page information document.

The four variances requested were viewed in 2 units: 1. Outdoor Commercial Recreation 2. Parking, fence and setback variance. There was some discussion on the parking convenience and restrictions, traffic entering the business from Harper, Bollards for safety. Business License and Commercial Recreation 48.283 also discussed.

**It was moved by Commissioner Budnick, supported by Commissioner Bellestri, to approve the request for a permanent use variance for Outdoor Commercial Recreation.**

**A roll call vote was taken.**

**Ayes: All**

**Nays: None**

**Motion: Passed**

**It was moved by Commissioner Scavone, supported by Commissioner Michno, to table the request for request for an 81 parking space variance for a Par 3 Miniature Golf Course, request for a 3 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.**

**A roll call vote was taken.**

**Ayes: Six**

**Nays: One**

**Motion: Passed**

**Case No. 03-2023 – Jerry Smith Jr. on behalf of Smith Two LLC – 23535 Beverly**

**Re:** BEVERLY GARDENS SUB'N (L5, P13) LOT 141

**Location:** North of Masonic, East of Greater Mack

**REQUEST:** Request for 3.5' front setback variance for the stairs of a wood deck. *(Zoning Ordinance: Chapter 48 – Zoning, Article XXI. – 15.540 General Exception as to area, height, and use, Sec. 48-627. – Porches, and Article XVIII. – 15.480 Schedule of Regulations, Sec. 48-513. Schedule limiting height, bulk, density and area by zoning districts)*

**Audience Participation:** None

**Correspondence:** None

Discussion on nonconforming porch or stairs, set requirements for stairs of wood deck.

**It was moved by Commissioner Michno, supported by Commissioner Budnick, to approve the request for 3.5' front setback variance for the stairs of a wood deck.**

**A roll call vote was taken.**

**Ayes: Six**

**Nays: One**

**Motion: Passed**

**Other Business:**

**1. Approval of minutes from the December 1, 2022, ZBA meeting.**

**It was moved by Commissioner Moffitt, supported by Commissioner Lince, to approve the December 1, 2022 ZBA meeting minutes.**

**Ayes: All**

**Nays: None**

**Motion: Passed**

**2. Audience participation.**

None

**3. Adjournment.**

**It was moved by Commissioner Michno, supported by Commissioner Moffitt, to adjourn the meeting at 8:05 p.m.**

**Ayes: All**

**Nays: None**

**Motion: Passed**