

**CITY OF ST. CLAIR
ZONING BOARD OF APPEALS MEETING
WEDNESDAY, OCTOBER 15, 2025
ST. CLAIR CITY HALL
547 N. CARNEY, ST. CLAIR**

CALL TO ORDER: Jim Bier – 7:01 p.m.

ROLL CALL: Chairman: Jim Bier Secretary: Joann Westrick
Member: Doug Vernier Co-Chair: Doug Glassford
Member: Diane Ives Member: Jordan Kurtz
Member: Burton Brooks

Absent: JoAnn Westrick *Excused*

Audience: Lee Manson, Brian Dale, David Waelens, Erin Daulton,
Bruce Clagg, Gretchen Daulton, Thomas Lutkenhoff,
Evan Rood, Jeffrie Seros, Micah Volz, Bill Westrick
Bill Klieman

Approval of Agenda: *Jim Bier entertained a motion to approve the agenda dated October 15, 2025. Doug Glassford made a motion to approve the agenda. Seconded by Diane Ives. All in favor, none opposed.*

Approval of Minutes: *Jim Bier entertained a motion to approve the minutes dated June 18, 2025 as presented. Jordan Kurtz made a motion to approve the minutes from June 18, 2025. Seconded by Burton Brooks. All in favor, none opposed.*

Correspondence: Petitions request 1485 South Riverside Ave.

Public Hearing: Yes

D. J. Boulter – This is a building at 1204 South Riverside Ave. It is kind of a unique situation there probably when it was built there was no zoning restrictions or that. Its 15 foot 6 off the property line for them to do a motorcycle repair at that address it would have to be a conditional zoning C-2. The property prior to the rezone was a C-1 that does not require any set backs from the property line and can go right to the property line. This says it supposed to be 40 feet from any right of way or butting residential used property. Its only 15-foot, 6 so they need a variance of 24foot 6 from the property line make it a legal C-2 conditional zoning. Additionally, will can see in the packet their conditions that they agree to *DJ Boulter goes into reading them*. The building will remain the same on the exterior except probably the signage.

Jim Bier- Has the conditional zoning been acted on already?

D.J. Boulter-I believe it's been introduced. Planning sent it to Council. They are going to act on it at their next meeting I think provide that its favorable at this meeting.

Jim Bier-With that said entertain motion the motion to open the public hearing.

Jordan Kurtz made the motion Burton Brooks second the motion all was in favor none was opposed.

Jim Bier-Is there someone in the audience representing the petitioner tonight?

Jeffrie Seros-42 Golf side Drive, St Clair Michigan. We are looking forward to opening the motorcycle shop we complied with the parking lot stripes and the curbs that's complete that is pretty much all I got.

Jim Bier-We can see from the drawings you gave us in having been out there. I am going to put some more light on this for the Board and the rest of the audience. It appears to be in existing building making no changes at all.

Jeffrie Seros-Nope

Jim Bier-It's just the circumstances that accrue when you try to do conditional rezoning to get the proper rezoning then you're in a foot print that is existing correct?

Jeffrie Seros- yea

Jim Bier-Is there anyone else that is in the audience that wants to comment on this particular request? Motion to close public hearing

Burton Brooks made motion to close the public hearing Doug Glassford second and all was in favor none opposed.

Doug Glassford- Its straight forward situation in a nonconforming situation by making things right with the property owner.

Jordan Kurtz- I know we are pretty limited on space for new business to come into I love seeing new business open up I have no issue with it.

Burton Brooks- Same thing, we find them down south over the bridge old lots small lots, existing buildings non-conforming lots and again like Jordan said I like to see new business coming into town and keeping us sustained so with that I see no problems here.

Diane Ives- I agree with what ever one pretty much already said I concur.

Doug Vernier-I am also in agreement I like the fact that nothing will be happening after 6:00 so nothing will be disrupting the neighbors with any noise is reasonable.

Jim Bier-What I see is the existing privacy fence which has been there for a while is that correct? Since you were operating the glass business is that when that went up? So, the separation with the neighbors that has already been established for a while and continue to use the site with business like the rest of the group has been saying and maintaining that I have no objections either. With all that said that's our finding of fact. Be ready to entertain a motion on this variance request.

Jordan Kurtz made a motion at 1204 South Riverside for a variance of 24 foot 6 inches unconditionally C-2 to be approved property parcel number is 74-07-091-0053-001.

Roll Call:

Jim Bier-Yes Doug Vernier-Yes Diane Ives-Yes
Jordan Kurtz-Yes Doug Glassford -Yes Burton Brooks – Yes

Jim Bier- Motion carries Hope you are successful with the new business adventure Thanks for coming in.

Jim Bier-Next item on are agenda is 515 Fredmoore Hwy about the sign in front of Pine Shore Golf Course.

D.J. Boulier- I issued a permit for a new sign for the golf course and unbeknown to me I used the schedule they are actually legal with the

schedule other than supposedly the height because the schedule says it can be 8 foot 32 square foot and when you go farther into it there is a discrepancy in it and it says that 24 square feet a sign 6 foot high and with that being said I was the one that issued the permit and I don't know if you guys may not classify as a hardship but I think under the circumstances that if the schedule is not right and I have always used the schedule doing a review on signs or square footage both for exterior structures new homes any of that sort of stuff. Now a deal that its on a berm and its in the right away and I went back in BSA and found a sign permit was pulled in 2012 and approved by City Council to have the sign in the right of way, now the new sign was replaced exactly right where the old sign was I don't know what the issue is some one has a bug up their ass I guess. That is all it is you need either go by the schedule or the other he needs a variance 2 feet in height and six feet square footage.

Jordan Kurtz made a motion to open the public meeting and Burton Brooks second the motion all was in favor none opposed

Jim Bier- Dee is there any one to speak on behalf or was it just you?

D.J. Boulter- I thought Bob was coming but apparently, he did not.

Jim Bier- Is there any one that would like to comment otherwise?

Bill Klieman- I don't have a bug up my ass I just want some clarification. 1374 South Riverside for starters. When was the public hearing posted in the paper?

Rebecca Blanchard- It was posted on 09/30/25

D.J. Boulter- There were three posted at the same time

Bill Klieman-ok, and I own a boat house with in the 200 feet of the sign and any particular reason I didn't get a letter?

Rebecca Blanchard- Boat houses did not get letters

Bill Klieman- Why not?

D.J. Boulier- Because the City is the property owner.

Bill Klieman- Ok so the City is the property owner, alright now my next question you said back in two thousand and twelve, you tore the sign right out so you're replacing it so now doesn't have to go by the new rules?

D.J. Boulier- Like a say I went by what the schedule told me.

Bill Klieman-Ok the next question is what is the hardship?

Jim Bier-I will answer that we are listening to the evidence that is provided in the public hearing as you know, then we have to decide if there is a hardship or not. Dee expressed what he considers might be a hardship. We are either going to agree or disagree we are just listening right now.

Bill Klieman-I understand with that being said, then why is it in the right of away if it is a tore down the old sign and put new sign it's got to go by the new rules, it never went to council for a right of away permit

Jim Bier- Dee didn't you say it did go to Council.

D.J. Boulier- In 2012 and I can show you a permit that said approved by City Council what ever meeting it was in 2012.

Bill Klieman- With that being said if I get a variance to put my garage 3 foot off the property and I completely tear it down can I put it back there.

D.J. Boulter- Depends on what zoning district you are in.

Bill Klieman- Then my last question is the height. The ordinance states, the berm the ordinance calls for common grade you telling me that berm is common grade.

D.J. Boulter- All I am telling you is City Council approved that sign and that location in 2012, they are just putting up a new sign.

Bill Klieman- Then why are we going thru all this if we don't need to?

D.J. Boulter- There is a discrepancy, in the zoning book its going to be taken care of in the rewrite.

Bill Klieman- If its ok then why asking for a variance?

D.J. Boulter- Well that because that's what my boss told me to do.

Jim Bier- So the way the ordinance reads right now is that one version would be matter of interpretation which part of the zoning ordinance carries the most weight? The schedule of the regulations of signs or the stipulating statement further on in the document.

Bill Klieman- This should have been done before the permit was issued right.

Jim Bier- The error has been acknowledged Bill.

D.J. Boulier-I still don't feel like it was an error on my part the schedule says 8-foot 32 square foot the sign is 30 square foot and 8 foot off the ground.

Jim Bier-Anyone else to speak in regards to this item?

Bill Westrick-1320 St Clair Hwy for the way I read that maximum height 8 foot at ground level on a berm is not ground level I don't have a problem with the sign like Dee might think I don't just don't like putting the horse in front of the carriage or the carriage in front of the horse right I am on Council I think it should have come to us I think we should have voted on the right of way it's a new sign if I put up a new sign I am going to need a new permit so that just the way I feel about it.

D.J. Boulier- But Bill if the sign is going in the same location and you are meeting all the criteria it would not have to go back it could be issued with out going back to Council.

Bill Westrick- With a new sign you need a new permit then there should have never been a permit if we didn't need one.

D.J. Boulier- I issued the permit

Bill Westrick-Then why did we even need one if it was going in the same spot same height everything.

Jim Bier-Look at the physical construction of the sign look at the foundation and then its evaluated does the sign met the criteria within the ordinance ,they took one kind of sign down the location was not the issue cause I was explaining to Bill if a variance had been issued to put a garage 3 foot from the property line you tear down your garage and put the new garage up the variance carries with the property and you can go back 3 foot from the property line again.

So, it's the same logic with the sign its in the same location. The approval of that location variance or what ever you wanted to call it under the previous, under City Council to be in the right of way it was unchanged it was granted the same as in 2012. So, my opinion it would not have to revisited. So why do we need a permit? There is a concrete foundation that needs to be constructed and designed properly and there is a physical sign that needs to be installed for safety and the safety of the investment in the sign it needs to be proper it was inspected for that the table says one thing and the text say another thing there in lays the rub for us anyways.

Bill Westrick- Ok, I got one more question so now we are going to get a variance on the height will this then come back to City Council?

D.J. Boulier-Yes, if it approved here it will go to your next meeting if it is approved that's what Annette said for the right-of- way.

Jim Bier-The right-of-way question again?

D.J. Boulier-That's what Steve wants to do.

Jim Bier- I don't know if that would be necessary but if that's what he wants to do.

D.J. Boulier- That's what he wants to do.

Jim Bier-Variance, tell me if this is right if we grant variance on height and size the Council does not act on that, Council for the location, despite what I see Bill it goes back to you for another crack at it anyways.

Bill Westrick-The 8 foot does not bother me, when it says 8-foot height I read that 8 foot is ok, that is what I read and it also says ground level.

D.J. Boulier-The height and size are what the ZBA is ask to do not the location.

Jim Bier- Doug and I know this the rest of you don't we been working and Council knows this too but they don't know the exact details what we been doing we been working since January on rewriting the Zoning Ordinances for the City. Just this week and the week before we been looking at signs. The current rewrite the table the area where the golf course is park and recreation are the same 8 feet heigh and 32 square feet the clause 6 .5.7 A clause changes that back to 6 feet 24 square feet is no longer addressed and the 24 square feet does come up but has been changed to 32. You ask what is the hardship? The hardship is weak in what I am seeing and you look forward to a year, year and half from now unless it gets changed in the current rewrite its going to be allowable as constructed it's a 30 square foot sign if the measurements are correct Dee 8 feet above ground level.

D.J. Boulier-Correct

Jim Bier- We still deal with is it hardship or self-created and what makes commonsense on top of that. Anyone else in the audience.

Evan Rood-602 South 8th Street representing Rood Barbier shop ,We all remember the barber pole I have a problem with the fact as a issue as this we are all quick to make it as easy as possible and we talked about ordinances still have an ordinance that says barber poles on the sign and I am still the only barber in America that does not have a barber pole outside. So, I would like for everybody held to the same standards. Cause in my case it's been about 8 years they did everything they could and interpreted to the furthest extreme to squash me and I still don't like it. So, I am here to say I don't think it should be a while maybe you

do maybe we don't the little peons that have to play by the rules and get pushed around everyone should play by the same rules.

D.J. Boulier- Do you want me to answer that Evan you're not going to like my answer sir. When you come into my office wanted a permit to put new windows in did you tell me you were going to make it a barber shop?

Evan Rood-Absolutely I did.

D.J. Boulier-You did not tell me it was going to be a barber shop.

Evan Rood- You know what there was a lot of lies back then there were things that people had said I was not asking questions I was just making a comment.

Jim Bier- Keep the topic to the topic to tonight. Anyone else?

Jordan Kurtz made a motion to close the public hearing and Burton Brooks second the motion and all was in favor and none opposed.

Jim Bier- Thank you everyone for your comments. As we did before state facts for the record and give people a feeling of how they may vote on the variance.

Doug Vernier- Obviously there was an error in the paper work and I can understand why a permit was issued at the 8foot to me it would be a hardship now tear the sign up and replace it I have no objection wasn't it was one of those error that occurred I don't think it's an issue.

Diane Ives-I agree recently we had something similar with a garage that came out of the box bigger was built a little larger and it would have been a hardship to tear it all down and rebuild it for just a couple of

feet there and no one objected to it. So, I feel like there was nothing intentional or doesn't seem to stand out large or inappropriate. The berm has always been there it's not like they just added the berm. I think it will be ok.

Burton Brooks-Same I did drive by it again today I don't see its offensive to the eye to look at it does not appear to be any bigger than the old one. I am ok the way it sets.

Doug Glassford-With the time we spent with the zoning book this is one of those things we are trying to clean up the schedule different and look back at the new sign other than it being electronic there does not appear to be anything different than what was there.

Jordan Kurtz- I agree with a portion of the criteria as well; sameplace meant of a different sign I do think there is a discrepancy it needs to be corrected I think everyone should be playing by the same rules. However, I don't have an issue with the sign. I do think it should be corrected so the rules are clear right across the board.

Jim Bier-I see it as a self-created hardship but it would be silly in my opinion knowing to in a short period of time like Doug said we are cleaning up that is the purpose for rewriting the zoning ordinance. There are conflicting clauses in the ordinance that either were originally in there or evolved over time. The ordinance is pretty much 30 years old again that is why it's being addressed and being rewritten right now some cases it is technology changes other times it's just the language got overlapping and doesn't make sense any longer this being one of them in regards of being a error mistake it doesn't excuse you and create the hardship but denying something and then changing it a year or six months so that is silly too.

Jordan Kurtz made a motion to approve the 2-foot variances as required at 515 Fred W Moore Hwy and the size variance 30 square feet property 07-615-0001-000 and Doug Glassford supported.

Roll call: Jim Bier-No, Doug Vernier-yes, Diane Ives-abstain, Jordan Kurtz-No, Doug Glassford-Yes, Burton Brooks -Yes, Motion carries variance approved.

Jim Bier-Next item fence on 1485 South Riverside Ave. Go ahead Rebecca read letter in for the record.

Rebecca Blanchard- This is from Mr. &Mrs. George Bennett this is in regards to 1485 South Riverside St Clair Michigan I George Bennett residing at 113 Palmer St. Being adjacent to said property I see no reason to not allow appeal to be awarded. With the animal or animals' quality of life in mind hardships might arise in traversing terrain (hill, steps, deck etc.) in bad weather conditions. Based on age or ages of said animals with this question in mind, this fence might not be needed forever It is our wish that homeowner would be granted approval. Thank You, Mr. and Mrs. George Bennett

Jim Beir-Thank You Rebecca, Dee if you Tom got this one.

Tom Lutkenhoff-So this a property at 1485 South Riverside Ave. its R-1A single family residential medium density action requested variance of Section 4.5, footnote A the applicate is requesting a four foot fence be constructed south east rear corner of their house to the south west street building property line to the rear the property is lot that is 60 foot South Riverside frontage by 115 feet along Palmer at Palmer the right away is a 66 foot the requirement with the footnote of the schedule regulations requires a 25 foot set back from that right-of-away that would put 58 feet into their property was center of their yard if you recall we just had done this recently I think the last Zoning

Appeal meetings it exactly the same scenario they would like to bring it to the corner of there house which is 43 feet from the center line which requires a variance of 15 feet to satisfies that requirement variance.

Jim Bier-Thank you, Tom, with that would like to entertain the motion to open the public hearing.

Jordan Kurtz made the motion and Diane Ives second the motion all was in favor none opposed.

Jim Bier-Is there Somone here this evening to speak in favor of this request please come forward.

Daid Waelens-1479 South Riverside property north of the 1485 South Riverside I has no issue with it being granted.

Jim Bier- Is the petitioner here this evening if so please come forward.

Brian Dale-1485 South Riverside in St Clair Tom has mentioned it would only give us 30-foot back yard to be used. We originally wanted it closer to the road but will settle on hopefully the corner of the house the thought being if there is a setback of 66?

Tom Lutkenhoff-The set back 25 feet from the right of way the right of way is 66.

Brian Dale-So with that thought being that already puts the right-of-way past the house the house would be in the way at that point we would not see reason for a fence to be there for the dogs.

Tom Lutkenhoff-The house is precisely 10 feet from the right away.

Jim Bier-So it would be nonconforming as well under the ordinance.

Brian Dale-It's like a 1935 house.

Jim Bier-This is not uncommon issue with corner lots for that part of town It is something that we are addressing also in the new ordinance with the discretion of administration and the building department we are taking it to 10 foot in this situation so you don't always have to pay a fee and come to the ZBA when these circumstance come up so again trying to fix things that we see come up on a routine bases and make it easy for City administration to deal with citizens We understand what you are doing appreciate the plan you provided and if you and your family are fortunate enough to do all this landscape going to be a striking piece of property. Wish you luck with that. Anyone else comments.

Jordan Kurtz motioned to close public hearing and Burton Brooks second the motion all was in favor and none opposed.

Burton Brooks- Like we have had this come up in the last couple weird lots sizes old streets and someone that moves in and willing to upgrade and pretty their yard I have no problem with it.

Diane Ives-I don't have a problem with it either if he going to the edge of his house the house is already out of compliance so not asking for much more not closer to the road or anything Its logical.

Doug Vernier-I see no objection to it with the old lot that they have.

Doug Glassford-Again we have seen this many times again people buying houses and upgrading them I don't see any problem you would not be able to do anything with that house if we stayed with the setbacks.

Jordan Kurtz-I have absolutely have no issue with it a corner lot makes it tough I love seeing people put money into their property city I am all for it.

Jim Bier-I see all the same thing matching the house line that's practical compromise with the City and appreciate you being comfortable with that solution and it takes all issues out of that.

Doug Glassford made a motion to vote on the variance of 15 feet for the address of 1485 South Riverside Avenue property id number is 74-07-091-0018-000 Jordan Kurtz second the motion

Roll call: Jim Bier- Yes, Doug Vernier- Yes, Diane Ives-Yes, Jordan Kurtz-Yes, Doug Glassford – Yes, Burton Brooks -Yes

Jim Bier-Motion carries you have six months to get started thank you everyone for attending.

Doug Glassford made a motion to adjourn all was in favor none opposed.

Meeting was adjourned at 7:42 pm