

**MINUTES OF THE ZONING BOARD OF APPEALS MEETING HELD ON MAY 13, 2021 IN  
THE CENTER LINE COUNCIL CHAMBERS.**

Billy Strawter called the meeting to order, via Zoom, at 7:32 p.m. The following members were present:

John Hanselman  
Maria Zardis  
John James  
Billy Strawter, via Zoom due to illness  
Daniel Jared, Alternate

Also present were Ms. Marianne Grano, assistant city attorney, City Manager Dennis Champine and present for Mr. Rinke were Roy Rose of Anderson, Eckstein & Westrick and Robert Davis, attorney.

Mr. Champine led the Pledge of Allegiance.

**ITEM NO. 3 - ADOPTION OF THE AGENDA.**

**MOTION** by Mr. Hanselman, supported by Ms. Zardis, to approve the agenda.

AYES: ALL                    **MOTION CARRIED**

**ITEM NO. 4 - APPROVAL OF THE MINUTES FROM THE MARCH 11, 2021  
REGULAR ZONING BOARD OF APPEALS MEETING**

**MOTION** by Ms. Zardis, supported by Mr. Hanselman, to approve the minutes as submitted.

AYES: ALL                    **MOTION CARRIED**

**ITEM NO. 5 – PUBLIC HEARING FOR CASE ZBA-2-19, Edgar Rinke Jr., Parcel 01-13-22-154-008, 01-13-22-154-038, 01-13-22-154-039, 01-13-22-301-003, 25922 Van Dyke and 26120 Van Dyke**

Mr. Strawter opened the public hearing. Mr. Champine explained that the hearing was now open to the public for comment on the case and that there were persons via Zoom to comment.

Via Zoom, Ilene Stankewicz, 8683 Superior, expressed concern about blight.

Fran Danese, 8136 Helen, asked for verifications of the parcels listed on the agenda and the notice. Opposes the request.

Kimberly Jacob, 8128 Coolidge, stated the properties were not well kept and expressed concerns about trucks blocking traffic.

Linda Kargol, 7268 Superior, opposes request.

William Paulson, 25948 Van Dyke, supports the request.

There being no further comments from the public or via Zoom, Mr. Strawter called for a motion to close the public hearing.

**MOTION** by Mr. Hanselman, supported by Mr. Jared, to close the public hearing.

The public hearing was closed.

ITEM NO. 6 – CASE ZBA-2-19, Edgar Rinke Jr., Parcel 01-13-22-154-008, 01-13-22-154-038, 01-13-22-154-039, 01-13-22-301-003, 25922 Van Dyke and 26120 Van Dyke

Mr. Champine introduced the case and asked Ms. Marianne Grano, assistant city attorney, to provide board with legal guidance on how the vote is to occur and give legal guidelines on what their responsibilities are as to Zoning Board Members.

Ms. Grano explained that this case was returning to the board after a court appeal by the applicant sent the case back to the board as there was no reasoning behind the denial of the use variance. She also explained that the motion must state what is being done and why. She continued by explaining the standards per the Zoning Enabling Act and the 4 factors which demonstrate an unnecessary hardship. Mr. Champine explained that for a variance to be approved there must be a super majority vote meaning 4 of the 5 members of the board must vote in the affirmative.

Mr. Champine read the review done by Mr. Scurto in to the record as Mr. Scurto was not able to be present for the meeting.

Mr. Strawter opened up to questions for the city attorney or the applicant's representatives, Mr. Rose and Mr. Davis, of the board.

Mr. Hanselman asked for the applicant to provide responses to the criteria set forth in the law.

Mr. Robert Davis, attorney for Mr. Rinke, explained the reason for the request for parts storage. He then explained the reason for the request for the vehicle display lot.

Mr. Hanselman asked the applicant's representatives about the resident's concern of vehicles being displayed for other dealerships.

Mr. Roy Rose explained that the vehicle displays would not be for other dealerships. The parts storage would be used for Mr. Rinke's dealership as well as other dealerships. He also addressed the reason for the current lack of vehicle display on the main parcel.

Mr. Strawter asked Mr. Champine for clarification on the recommendation of the Planning Commission. Mr. Champine explained the recommendation of the Planning Commission. Mr. Strawter then stated that it was his understanding that the 4 criteria have been met. Mr. Champine concurred.

Mr. Hanselman asked if a condition could be imposed by the board to restrict the number of delivery vehicles and if policing of said condition could be done. Mr. Champine advised in the affirmative to both.

There being no further discussion, Mr. Strawter called for a motion to approve.

**MOTION** by Mr. Hanselman to approve the use variance as the requested based on the 4 factors of criteria have been met as the property cannot reasonably be used for the purposes permitted in the zoning district as that is not the applicant's business type, the circumstances giving rise to the variance request is that the applicant's main property has run out of storage and not the general conditions of the neighborhood itself, the use authorized by the variance would not alter the essential character of the area as the properties were previously blighted and this would be an improvement on the area and the applicant's problem is not self-created as no other properties were available for the use needed and these properties are adjacent to the main property and meets the needs and there is an unnecessary hardship as there is no other place for storage.

Mr. Strawter asked for a second to Mr. Hanselman's motion to approve. There being no support for Mr. Hanselman's motion to approve, Mr. Strawter called for a motion to deny the variance request.

**MOTION** by Ms. Zardis, supported by Mr. Jared, to deny the variance requested as the criteria has not been met by the applicant.

There was discussion by the board regarding the motion for denial.

Ms. Zardis explained she did not feel the city does not need more parking lots for vehicles.

Mr. Davis responded to Ms. Zardis' comments explaining that what is proposed is the least intensive and would have the least impacts on the neighborhood.

Mr. Hanselman commented on the legal obligations of the board to consider the request and not to inject personal opinion.

Mr. Strawter commented and concurred with Mr. Hanselman.

Ms. Zardis confirmed with Ms. Grano the reasoning the court sent the case back to the ZBA.

There being no further discussion, Mr. Strawter called for a vote on the motion to deny via roll call vote.

Mr. Hanselman:	NO
Mr. James:	NO
Ms. Zardis:	YES
Mr. Strawter:	NO
Mr. Jared:	YES

The motion did not pass. Mr. Champine asked Ms. Grano how to proceed. Ms. Grano stated that since the motion to approved died due to no support and the motion to deny the variance was voted down, something has to be done with the application. She reiterated that a new motion cannot be based on personal opinion or feelings, it has to be based on whether or not there is an unnecessary hardship to the property owner and the 4 factors must be met.

Mr. Hanselman asked to ask questions of the other board members. There was discussion among the members and Mr. Champine. Questions were asked regarding the special use approval given by the Planning Commission and their conditions. Questions were raised regarding the minutes of the Planning Commission meeting where the special use approval was issued. Copies of the Planning Commission meeting minutes were given to the board members.

Ms. Grano explained the 3 options available to the board. Mr. Strawter called for a motion approve, deny or table.

**MOTION** by Mr. Hanselman, supported by Mr. James, to table the item for no more than 3 months which would make the meeting date August 12, 2021.

AYES: All

**MOTION CARRIED**

ITEM NO. 7 – CITIZEN COMMUNICATION

Citizen Communication was opened to the public for discussion of matters other than what is on the agenda.

Fran Danese, 8136 Helen, stated that Discount Tire still had storage containers on their property and asked about the storage container at Rite Aid.

Mr. Champine addressed her concern.

There being no further comments, this portion was closed.

ITEM NO. 8 – ADJOURNMENT

There being no further business, Mr. Strawter called for a motion to adjourn.

**MOTION** by Mr. James, supported by Ms. Zardis, to adjourn.

AYES: All

**MOTION CARRIED**

Meeting adjourned at 9:27 p.m.