

**MINUTES OF THE ZONING BOARD OF APPEALS MEETING HELD ON AUGUST 12, 2021  
IN THE CENTER LINE COUNCIL CHAMBERS.**

Billy Strawter called the meeting to order at 7:30 p.m. The following members were present:

John Hanselman  
Maria Zardis  
Celeste Harrington  
Billy Strawter, Chairman  
Richard Moeller, Councilman

Also present were Ms. Marianne Grano, assistant city attorney, Deputy City Clerk Janice Pockrandt, David Scurto, city planner with Carlisle/Wortman, and present for Mr. Rinke were Roy Rose of Anderson, Eckstein & Westrick and Robert Davis, attorney.

Mr. Strawter led the Pledge of Allegiance.

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

**MOTION** by Ms. Zardis, supported by Mr. Moeller, to approve the agenda as amended moving items 7 & 8 up to items 5 & 6 and correction to item #9 to be Receive and file Zoning Board of Appeals By-Laws.

AYES: ALL                    **MOTION CARRIED**

**ITEM NO. 4 - APPROVAL OF THE MINUTES FROM THE MAY 13, 2021 REGULAR  
ZONING BOARD OF APPEALS MEETING**

Request from Ms. Zardis to correct the minutes under item # 5, Public Hearing for Case ZBA-2-19, to reflect that William Paulson is a business owner, not a resident.

**MOTION** by Ms. Zardis, supported by Mr. Hanselman, to approve the minutes with the correction.

AYES: ALL                    **MOTION CARRIED**

**ITEM NO. 5 – PUBLIC HEARING FOR CASE ZBA-4-21, GRASS ROOTS MI LLC, 7300  
BERNICE**

Mr. Strawter opened the public hearing.

There were no comments from the public.

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

AYES: ALL                    **MOTION CARRIED**

ITEM NO. 6 – CASE ZBA-4-21, GRASS ROOTS MI LLC, 7300 BERNICE

Ms. Zardis introduced the case, per Mr. Strawter's request, and read from the city planner's review.

**MOTION** by Ms. Zardis, supported by Mr. Hanselman, to approve the use variance request to allow for less than 30 percent of transparency for ground floor facing a public right-of-way or private street.

AYES: ALL

**MOTION CARRIED**

ITEM NO. 7 – 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.

Fran Danese, 8136 Helen, opposes the request.

Phil Arseneault, 8092 Sunburst, opposes the request.

William Paulson, employee at 25948 Van Dyke, supports the request.

Carol Arseneault, 8092 Sunburst, opposes the request.

There being no further comments from the public, Mr. Strawter closed the public hearing.

ITEM NO. 8 – 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 up discussion for the board.

Ms. Zardis began with asking questions about unnecessary hardship and the factors. Ms. Grano, assistant city attorney, reviewed the four factors for the board.

Ms. Zardis asked for the current zoning of the property. Mr. Robert Davis, attorney for Mr. Rinke, answered this question and stated he had a presentation prepared.

Mr. Strawter asked Mr. Davis to continue with his prepared presentation. Mr. Davis explained the locations and reasons for the variance requests.

Mr. Hanselman asked Mr. Davis if the variances were not approved, what would be done or not done with the subject properties. Mr. Davis stated the NT property would stay vacant; the buildings will still be used as offices.

Mr. Hanselman the asked about if the conditions from the planning commission would still be done. Mr. Davis stated the screening wall would not be done.

Ms. Zardis asked Mr. Davis if Mr. Rinke still owned property on the west side of Van Dyke, south of 10 Mile in the area of Standard Street. Mr. Davis stated he did not know. Ms. Zardis then asked Mr. Pinch the same question. Mr. Pinch confirmed the location she inquired about. Mr. Roy Rose stated he does. Ms. Zardis inquired about that property. Mr. Rose explained the lack of vehicles on the Rinke properties and about the initial application process. Ms. Zardis expressed concern about closing the property in the south end of town and now wanting to open another lot in the areas before the board. Mr. Strawter stressed the importance of keeping this about the properties in question before the board. Mr. Rose explained the closure of the south end property as required by General Motors.

Ms. Zardis asked the city planner, Mr. Scurto, about the south end property. Can that property be used by another dealer. Mr. Scurto explained that could only be used for indoor display of vehicles as it has a different zoning classification.

Mr. Strawter once again stressed the importance of focusing on the properties on the agenda.

Mr. Strawter asked Mr. Scurto to go over his review and recommendation for the board.

There being no further comments or questions, Mr. Strawter called for a motion,

**MOTION** by Mr. Hanselman to approve the use variance to allow for outdoor vehicle display at parcels 01-13-22-154-008, 01-13-22-154-038, 01-13-22-154-039 and 01-13-22-301-003 as the property cannot reasonably be used for the purposes permitted in the zoning district that the use authorized by the variance will not alter the essential character of the area, the circumstances giving rise to the variance request are unique to the property and not general conditions of the neighborhood itself, that the use authorized by the variance will not alter the essential character of the area as that there is already parking there and the applicant's problem is not self-created.

There is no support for the motion. The motion failed.

Mr. Strawter called for a motion on the parts storage use variance.

**MOTION** by Mr. Hanselman to approve the use variance to allow for parts storage at 25922 Van Dyke, parcel 01-13-22-301-002, and 26120 Van Dyke, parcel 01-13-22-154-005, as the property cannot reasonably be used for the purposes permitted in the zoning district that the use authorized by the variance will not alter the essential character of the area, that the circumstances giving rise to the variance request are unique to the property and not general conditions of the neighborhood itself as the property has been used for storage before, that the use authorized by the variance will not alter the essential character of the area as business will be conducted there and vehicles parked there and deliveries, and the applicant's problem is not self-created, the practical difficulties as they have no other place for parts storage, supported by Mr. Moeller.

There being no discussion on the motion, there was a vote.

AYES: Hanselman, Moeller, Strawter

NAYES: Zardis, Harrington

**Motion not carried as a super-majority is needed.**

The board went back to the motion to allow for outdoor vehicle display. Ms. Zardis stated that since a lawsuit was involved, she could adequately state her reasons and would like the help of the city attorney. Ms. Grano stated that a denial would only require one of the factors not being met.

**MOTION** by Mr. Moeller to deny the use variance to allow for outdoor vehicle display at parcels 01-13-22-154-008, 01-13-22-154-038, 01-13-22-154-039 and 01-13-22-301-003, supported by Ms. Zardis, as the applicant has not provided enough evidence of an undue hardship to put a new vehicle display lot in that location.

There being no further discussion on the motion, there was a vote.

AYES: Zardis, Harrington, Moeller      NAYES: Hanselman, Strawter

There was discussion on whether or not a super-majority was needed for the denial. It was determined a super-majority was not needed for denial.

ITEM NO. 9 – RECEIVE & FILE ZONING BOARD OF APPEALS BY-LAWS

**MOTION** by Ms. Zardis, supported by Mr. Hanselman, to receive and put in file the Zoning Board of Appeals By-laws.

AYES: All

**MOTION CARRIED**

ITEM NO. 10 – CITIZEN COMMUNICATION

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

Phil Arseneault, 8092 Sunburst, commended the board for their decision.

There being no further comments, this portion was closed.

ITEM NO. 11 – ADJOURNMENT

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

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

AYES: All

**MOTION CARRIED**

Meeting adjourned at 8:33 p.m.