

CENTERVILLE TOWNSHIP
ZONING BOARD OF APPEALS

Jeff Smith, Chairperson, Deb Kuhn, Noel Bielaczyc

Cindy Kacin, Recording Secretary

Centerville Township Hall

5001 S. French Road

Cedar, Michigan

August 15, 2024

Draft Minutes

I. Welcome and Introductions

In attendance: Noel Bielaczyc, Jeff Smith, Deb Kuhn

Quorum Present

The meeting was called to order at 6:36 p.m.

Public: 9 in person

II. Review and Approval of Agenda

ACTION: Kuhn moved to approve the agenda as presented; supported by Bielaczyc.

Motion carried. 3,0,

III. Approve minutes from last meeting

June 19, 2024

ACTION: Bielaczyc moved to approve the minutes from June 19, 2024 as presented; supported by Kuhn. Motion carried. 3,0

IV. Discuss Board recruiting for permanent and alternate members

The Supervisor has the authority to recruit and appoint ZBA permanent and alternate members. Deb Kuhn is resigning as of this meeting. Bill Rastetter has applied. Supervisor Schaub had appointed Bill Rastetter at the last Board meeting. Schaub will allow the ZBA to decide if Rastetter should be a permanent member or an alternate. It was decided that Rastetter will serve as a permanent member and Michelle Irwin will serve as the alternate.

V. Irwin/Curl Use and Dimensional variance hearing

a. Declaration of Conflict of Interest in Irwin/Curl Use and Dimensional variance

None

b. Project Overview by Chris Grobbel, Township Planner

Variances are rare in zoning and planning issues. The ordinance does allow for variances when it makes sense. The variance needs to make sense with the Master Plan and what is intended in for the area.

The biggest issue is the use of the property and what is intended. This property is zoned agricultural. Centerville does not have a business district. If the Township is regularly making variances, it is indicative that there is a zoning problem. Today's meeting is not a site plan review. If the variance is approved, then a site plan review will be done.

c. Presentation by applicant

Michelle Irwin - Irwin has owned the property since December 2022. In the beginning, the building was a general store in a village. Now there is this building and one other building left. The general store building is structurally sound and they are restoring it. Their intent for the building is for it to be a general store again which will also provide paddle board rentals. Other purposes/intents will evolve over time. They are calling it the Good Harbor Beach Company.

Chris Grobbel – Grobbel explained how this plan would go forward procedurally. The property is in an agricultural district. There is a nursery nearby, other residences and farmland. They are asking for a variance for the use of this property to be used as a business: general store and rental use. If the variance is granted, Irwin could take the next step of going to the Planning Commission for a site plan review and a special use plan review.

Grobbel suggested that the ZBA might want to review the use of the property for events. There would have to be a limited list of uses. Centerville does not have an ordinance for noise.

Smith has some concerns about the expansion of the footprint being asked for.

*Criteria will first be discussed concerning use; then the same criteria will be discussed concerning dimension.

d. BOARD DISCUSSION – STANDARDS FOR USE APPROVAL OF VARIANCES

CRITERIA 17.10.1

Kuhn feels that that the plan does present the minimum set of uses. Bielaczyc agreed. Noise could be a problem. It was asked what was meant by art and music creation. They do not plan any amplified music. It would be more like a painting activity for kids. The client's intent is to keep the plan family and nature oriented. They are not trying to be an event space. The variance would call for limitations to activities as defined through the Planning process. This would not be a rezoning.

ACTION: Kuhn moved that standard 17.10 item 1 of the variance has been met with limitations to activities as discussed; supported by Bielaczyc.

Roll Call

Deb Kuhn	yes
Noel Bielaczyc	yes
Jeff Smith	yes

Motion carried 3,0

17.10.2

The ZBA had consensus that the criteria have been met.

17.10.3

In reference to criteria 17.10.3, the hardship is not economic. The question becomes if the intended use is in harmony or in conflict to the ordinance. The proposed use is not allowed in the agricultural district. Does the proposal have a private economic concern?

Bielaczyc noted that there is a broader benefit in that the building is historic and the commercial aspect is fitting with the history of the building and the current community. It would not be out of place with other property uses in the area already. Kuhn noted that the proposed use would be good for the community. She believes that preserving the building has value and she has no objection to the proposed use.

The impact of traffic noise and such to the immediate area was discussed. Kuhn felt that traffic noise would be in harmony with what is in the surrounding area. Bielaczyc agreed and felt that any parking/traffic problems could be worked out. *The ZBA members agreed by consensus that the proposed plan meets the criteria.*

At this point in the meeting, the members realized that the Public Comment item in the agenda was out of place.

ACTION: Kuhn moved to amend the agenda to have Public Comment prior to the decision to allow/not allow the variance request; supported by Smith. Motion carried. 3,0

17.10.4

This item is not applicable because it is about dimension.

17.10.5

It was expressed that the variance will be in harmony and will not cause an adverse effect on surrounding property. Kuhn thought the project would enhance surrounding property values.

Smith stated a concern about traffic coming in and out. Kuhn thought that the enterprise would be a small enough enterprise as to not cause a traffic impact. Bielaczyc expressed concern about what would happen if the enterprise grew.

ACTION: Bielaczyc moved that the standard 17.10.5 has been met; supported by Kuhn. Motion carried. 3,0

17.10.6

The criteria address a practical difficulty being the result of the applicant's own action.

The members discussed if there were other uses for the property. It was agreed that the proposed use was in harmony with the community. The criteria also

asks if the applicant created the problem. It was thought that the applicant did not. The property cannot be put to use as proposed without a variance. If the use stops after 18 months it cannot be grandfathered in. Kuhn reiterated that it is an historical building and the building and its use is worth restoration.

ACTION: Bielaczyc moved to support the applicant on 17.10.6 based on the above discussion; supported by Kuhn.

Roll Call	
Deb Kuhn	yes
Noel Bielaczyc	yes
Jeff Smith	yes
Motion carried 3,0	

BOARD DISCUSSION - DIMENSIONAL VARIANCE CONCERNS

Grobbel discussed the current dimensions and compliance with the ordinance. The outbuilding is 15 feet encroaching on the setback on the west side. The outbuilding is 20 feet encroaching on the setback on the south side. The store building encroaches 48 feet into the setback. The house on the Good Harbor Trail side encroaches 18 feet on the front setback and 5 feet of the side setback.

17.10.1

These are existing structures and not new structures. The hardship is that correcting the dimensions are not doable on the existing structures. The age of the buildings predates the zoning. Smith believes that the historic nature of the property is of value within the Master Plan. Bielaczyc concurs. The ZBA had consensus that the criteria has been met.

17.10.2

The request for variance is not economic. The dimensions are the result of the topography and narrowness of the property. The historic nature of the building is unique and valuable. The ZBA had consensus that the criteria have been met.

17.10.3

Conformity to the ordinance would be unnecessarily burdensome to comply. The ZBA has consensus that the criteria have been met.

17.10.4

The building is close to the road because it is a historical building and that is how buildings were done in that time. By definition, it is harmonious with its surroundings.

ACTION: Bielaczyc moved to support the applicant concerning 17.10.4; supported by Kuhn.

Roll Call	
Deb Kuhn	yes
Noel Bielaczyc	yes
Jeff Smith	yes
Motion carried 3,0	

17.10.5

ACTION: Bielaczyc moved to support the applicant concerning 17.10.5; supported by Kuhn.

Roll Call	
Deb Kuhn	yes
Noel Bielaczyc	yes
Jeff Smith	yes
Motion carried 3,0	

17.10.6

The practical difficulty is not the result of the applicant’s own actions.

ACTION: Bielaczyc moved to support the applicant concerning 17.10.6; supported by Kuhn. Motion carried. 3,0

VI. Public Comment

Molly Hide – She owns property to the south. She is concerned about traffic and the lack of parking. A business on the property would require off street parking because they don’t have space for parking. Cars would have to back out into the road. It could be a traffic hazard. She also mentioned that a store in an agricultural district has to have 50% of their stock as farm products.

Michele Irwin - There is a bigger plan for a business to make money beyond the store.

Heather Hall – She likes the idea of a stop along that drive.

Public comment closed.

VII. Board Decision

ACTION: Kuhn moved to support the variance of the Irwin property as presented in this meeting; supported by Bielaczyc.

Roll Call

Deb Kuhn	yes
Noel Bielaczyc	yes
Jeff Smith	yes

Motion carried 3,0

VIII. Adjournment

ACTION: Bielaczyc moved to adjourn the meeting at 6:37 p.m.; supported by Kuhn.
Motion carried. (3,0)

Respectfully submitted,
Cindy Kacin

DRAFT