

Makeover for Mobil station put on hold

■ The Bedford Township Board of Zoning Appeals is investigating whether the property has retained its legal non-conforming status and if a variance should be granted.

By **CURTIS ZIMMERMANN**
Bedford Now

Last month when Dale Hinkelman purchased the old Mobil gas station on Lewis Ave. in downtown Temperance, he dreamed of restoring it to its original 1953 look so he and his son, Jay, could open a classic car shop and used auto dealership.

On Feb. 3, Hinkelman appeared before the Bedford Township Board of Zoning Appeals to request an

\$109,000 and paid cash, allowing him to avoid the banks.

The minutes from the BZA meeting, which are unofficial until the BZA approves them at the next meeting, indicate that numerous residents turned out to support Hinkelman.

Walt Wilburn of Temperance said that the new business would start things moving in downtown Temperance. Even property owners adjacent to the business expressed their support for the project.

The only opposition to Hinkelman's request came from Jon Whitman of Lambertville and Pat Keane of Temperance. Both own used car dealerships on Lewis Ave., Whitman Ford and Keane's Auto World.

Keane said that since he had to follow all the township's ordinances when he opened his

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town Temperance in years. I don't know why he faces opposition to that."

— Jon Whitman,
owner of Whitman Ford

expansion of the legal non-conforming status to allow him to use the property to sell used cars. He also requested that the BZA grant him a variance, since the zoning code states that you must have five acres to operate a used car lot; Hinkelman's property is .5 acres.

As the evening progressed, Hinkelman found that he and the BZA didn't quite see eye-to-eye, and he tabled his request.

For years, the Mobil property has been an eyesore in downtown Temperance. When the building, which was previously owned by Cora Loga of Temperance, was used a gas station, it operated under legal non-conforming status, which meant that it was a C-3 type business operating in an area zoned C-1. The property also had some environmental problems because of leakage from the gasoline storage tanks.

After an extensive cleanup, Michigan's Department of Environmental Quality cleared the property for sale. These two problems made it extremely difficult for Loga to sell because banks routinely denied investors' financing. Hinkelman bought it for 32 percent below the asking price of

business six years ago, it would set a bad precedent to approve Hinkelman's request.

Whitman said that the board should deny the request because the project violates

the new architectural ordinances. Passed last August, these ordinances give specific guidelines about the look of commercial property.

When the ordinances were passed in August, Whitman came out ardently against them and called for their immediate revocation. Whitman said after the meeting that he used this as an opportunity to see if the board would actually enforce the ordinances.

"I spoke publicly because I want them to make a decision that either the ordinances are going to fly or they're not," Whitman said.

Whitman said he did not speak out against the project because he was against having competition from Hinkelman's business.

"I'm in support of his new business," Whitman said.

Whitman said that he could-

Dale Hinkelman hit some snags recently in his quest to turn this former Mobil gas station on Lewis Ave. in downtown Temperance into a classic car shop and used car dealership.

Station (cont.)

n't understand why he could sell used cars in front of his property two blocks north, yet Hinkelman could not on the Mobil station property.

"He (Hinkelman) is the first person to make a significant investment in downtown Temperance in years. I don't know why he faces opposition to that," Whitman said.

At the end of the public commentary session, Hinkelman addressed the board asking them to use common sense.

But his definition of that term and the board's varied greatly. The board didn't think it had enough information to make the decision.

"We need more data," board member Arvind Shah said after the meeting.

Much of the board's problem with the request centered on the property's legal non-conforming status.

Township attorney Phil Goldsmith said that the property did not lose its legal non-conforming status since being shut down in 1992. He further stated that Hinkelman, once he gets his certificate of occupancy, could sell petroleum products at the station and make vehicle repairs.

Goldsmith told the board that because the legal non-conforming status was still in effect, the board's real decisions would be whether to expand the non-conforming use to include the used cars and the variance to the five-acre rule.

Since nearly a decade has past since the Mobil station closed shop, Joyce Hagen questioned whether or not it was still a legal non-conforming property and asked that the board seek another attorney's opinion on the matter.

"I didn't understand why it was a legal non-conforming," Hagen said.

She said after the meeting that she did not wish to set a bad precedent by saying the legal non-conforming status still existed after 10 years. Hagen said that if she could have seen a timeline explaining the history of this property since the station closed that it would have given her a clearer picture.

In addition to the legal question, Shah said that Hinkelman's intentions for the property were good but that it was still a rather large variance he was requesting for selling used cars.

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Station (cont.)

Shah said that if Hinkelman could wait for the Planning Commission's Village Center/Mixed use ordinance and the Economic Development Corporation's contracted study of downtown Temperance, that it could present a solution to the problem.

Shah said that this is not a case of the township hindering the operations of a small business.

"A lot of people who are complaining out there don't know the truth, and most people haven't read the ordinance," Shah said.

After the discussion, a motion was made to deny the request, but the motion was then withdrawn after Hinkelman agreed to table it. The board is waiting for another legal opinion on whether or not the non-conforming status still exists.

"I'm extremely upset that they bogged it down to a matter of questioning the attorney's legal opinion," Hinkelman said.

Though Hinkelman is pursuing his legal options, he said he would continue to work on

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— Dale Hinkelman,
owner of the Mobil gas station
property

restoring the property

He said that if his project does not get approval, he has an offer from an individual who wants to use the building as a convenience store, but he hopes it will not come to that.

He has six months to present his case to the board again, though he hopes to appear in March.

If the variance is granted, Hinkelman's site plan for the property will have to be presented to the Planning Commission who will determine how the township's architectural ordinances apply.