

CALL TO ORDER:

Chairman, Ron Bjes, called to order at 7 p.m. an Appeals Meeting held at the Bainbridge Township Hall, 7315 Territorial Rd., Watervliet, Michigan.

Present: R. Bjes, J. DeLapa, N. Weber, P. Zaluckyj, G. Zilke, and Alternate A. Gardiner

APPROVAL OF CONSENT AGENDA AND MINUTES:

- Motion by DeLapa/Zilke to approve the agenda.
 - Roll call: Yes: DeLapa, Gardiner, Weber, Zaluckyj and Zilke. No: None. **Motion Carried**
- Motion by DeLapa/Weber to approve the minutes as written of March 2, 2016.
 - Roll call: Yes: DeLapa, Gardiner, Weber, Zaluckyj and Zilke. No: None. **Motion Carried.**

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PUBLIC COMMENT:

- None

UNIFINISHED BUSINESS:

- None

NEW BUSINESS:

- None

CLOSED REGULAR MEETING:

- Motion Bjes/Zilke to suspend regular meeting at 7:02 p.m., and go into public hearing . Ron Bjes recused himself from the meeting and Vice-Chairman, John DeLapa, will chair public hearing.
Voice Vote. **Motion Carried**

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PUBLIC HEARING:

- Opened Public Hearing at 7:03 p.m.
- Public Hearing for Steve Schrage who is appealing the decision of the Planning Commission to conduct a repair shop and used car sales, at the public hearing held on September 18, 2017 by the Bainbridge Township Planning Commission.
- Vice-Chairman DeLapa - Read the Public Hearing procedures and rules. (Attached)
- Steve Schrage - Explained the contents of the information he had given the Zoning Board of Appeals prior to the hearing. He requested an appeal of the denial decision rendered by the Planning Commission to allow him to operate a car repair shop and to sell used cars, at 6101 E. Napier, Benton Harbor, MI, property number 11-01-0029-0005-01-9. (Attached)
- Ross Rogien - Building/Zoning Administrator for Bainbridge Township, informed the Board that Schrage followed procedures for a building permit but not for a Special Land Use Permit to operate a business at that location.
- Secretary Weber - Read correspondence from Diane Baker in opposition.

PUBLIC COMMENT OPENED 7:15 P.M.:

- Mrs. Schrage – She gave specific information from doctors regarding their daughter’s health condition. (Attached)
- Angela Hazzard - 35436 51st Ave., Paw Paw, MI. They are good, decent people and their daughter is very ill.
- Jake Lombardo - 3996 Chicago Dr., Grandville, MI. He stated that the Ordinance and Master Plan does allow for this Special Land Use. It is not a commercial business but really a Home Occupations request. This is not spot zoning.
- Karen Hazzard - 32900 Radeine, Paw Paw, MI. They are good people and are dealing with their daughter’s illness.
- Howard Kahne - 685 West Main St., Benton Harbor, MI. Schrage did not follow the correct procedures for operating a business and therefore is not in compliance with Bainbridge Township’s Master Plan.
- Gary Margolis - 5999 E. Napier, Benton Harbor, MI. Baker was never asked by Schrage to build a pole barn and conduct a car repair shop and used car sales business at their location. Baker would never condone such an endeavor.
- Becky Rommel - 1208 Main St., St. Joseph, MI. Their child is very ill and needs the support of both parents at all times.
- Joe Schlipp - 1666 Maple Lane, Benton Harbor, MI. They are good, decent people and Schrage needs to be in close proximity to his wife and daughter and still earn a living.
- Joe Riccio - 159 Millburg Dr., Benton Harbor, MI. Stated that all facts are not being heard on the Schrage’s behalf.
- Deb Slavick - 3149 Wissing Lane, St. Joseph, MI. The cars you see in their yard are for Emma, not for repairs. Emma requires nurses daily, physical therapists and occupational therapists several times a week, and occasionally the ambulance is called.
- Crystal Baker - 6308 Naomi Rd., Eau Claire, MI. She does not want the business next to her property. They hide cars behind the pole barn.
- Amanda Tober - 1010 S. Park Rd., Benton Harbor, MI. They are nice people.
- Ross Rogien – Stated that there are good points on both parties. He informed the Board that we could deny the request, accept the request with stipulations, or table it for 3 or 4 days to think about it.
- Kathy Schrage - 916 Church St., St. Joseph, MI. She stated that Schrage does not hide cars behind the building. The vehicles are the Schrages; they are not there for repairs.
- Mike Kesterke - 362 M-62, Berrien Center, MI. It is up to the Township to promote small businesses and help them survive.

PUBLIC COMMENT CLOSED 7:55 P.M.

BOARD DISCUSSION:

- Chairman DeLapa- Stated that Schrage has lived at 6101 E. Napier, Benton Harbor, MI for 3 years and knew it was zoned agriculture. Schrage went to Rogien to get a Building Permit but

should have filled out a Special Land Use Permit first before the Building Permit. He did not follow proper procedures.

BOARD DISCUSSION: (Continued)

- Alternate Gardiner – If allowed to sell cars, where would you store them?
Steve Schrage – In the back of building.
- Board Member Zaluckyj – How would you advertise?
Steve Schrage – By word of mouth, appointment only, and on-line advertising. No road signage.
- Board Member Zilke – Not in favor of car sales. If it is allowed, how many cars?
Steve Schrage – One or two cars at a time.
- Vice-Chairman DaLapa – Skip Birdsong needed State approval to sell 12 cars a year. Will you need State approval?
Steve Schrage – Yes
- Secretary Weber – In favor of allowing car repair business, not used car sales.

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APPLICANT REBUTTAL:

- Steve Schrage – Currently repairs cars of friends and family. There is agricultural zoned land all around him so why cannot his property have a variance?

PUBLIC HEARING

- Motion Gardnier/Zilke to closed Public Hearing at 8:05 p.m. and reopen regular meeting.
Voice Vote: **Motion Carried**

REOPENED REULAR MEETING

- Reopened Regular Meeting at 8:05 p.m.

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BOARD DELIBERATION:

- Alternate Member Gardiner – Let Schrage have business.
- Board Member Zaluckyj – There are a number of people in the area who do repair work. We need to require Schrage to keep a clean work site.
- Board Member Zilke – Allow a good business to operate in our Township.
- Chairman DeLapa – Relative to our zoning ordinances, the business should not be allowed to operate. He did not follow procedures.
- Secretary Weber – Allow the business to operate but with stipulations.

Board opinions on the sale of used cars:

- ChairmanDeLapa – It sounds like the Board is willing to let Schrage sell used cars.
- Alternate Gardiner – No more than 2 used cars at one time.
- Board Member Zaluckyj – Cars are not to be lined up along the road.
- Board Member Zilke – I have no problem with him selling used cars.

- Secretary Weber – Not in favor of selling cars; repairs only.

FINDINGS OF FACT, STATEMENT OF CONCLUSION AND DISPOSITION:

- Vice-Chairman Delapa asked questions and answered according to board consensus. (Attached)
- Vice Chairman Delapa presented findings of fact.
Motion by Gardiner/Zalucky to approve Finding of Facts.
Roll call: Yes: DeLapa, Gardiner, Weber, Zaluckyj and Zilke. No: None. **Motion Carried**
- Motion by Zilke/Zaluckyj to approve Statement of Conclusion and Disposition.
Roll call: Yes: DeLapa,/Gardiner, Weber, Zaluckyj and Zilke. No: None. **Motion Carried**
- Motion by Gardiner/Zilke to overturn the Planning Commission’s decision to deny the applicants to operate a repair car business.
Roll call: Yes: Gardiner, Weber, Zaluckyj and Zilke. No: Delapa. **Motion Carried**
- Motion by Zilke/Gardiner to overturn the Planning Commission’s decision to deny the applicants to operate a used car sales business.
Roll call: Yes: Gardiner, Weber, Zaluckyj and Zilke. No: Delapa. **Motion Carried**

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ANNOUNCEMENT:

- Next Meeting Date: January 17, 2018

ADJOURNMENT:

- Motion by DeLapa/Bjes to adjourn at 9:00 p.m. Voice Vote. **Motion Carried.**

Respectfully Submitted,

Nancy Weber, Secretary