

**BAINBRIDGE TOWNSHIP**  
**Planning Commission**  
**Meeting**  
**July 30, 2018**

The meeting was called to order at 7:02 p.m. by Chairman, G. Grear at the Bainbridge Township Hall, 7315 Territorial Road, Watervliet, MI.

**Roll Call:**

- **Present:** G. Grear, D. Kreitner, J. Doroh, D. Baiers, R. Bjes M. Morlock, C. LaSata
- **Absent:** None

**Public Comment:**

- Opened: 7:03 p.m. Closed: 7:10 p.m.  
G. Margolis, 5999 E. Napier stated Agricultural districts require a 5-acre minimum, how does a small mechanic shop happen in an AG district? Channel 16 news did a report from Mr. Schrage residence and it showed no compassion for Susan Baker. How did this come this far? Mr. Margolis wonders how line item (49Q), repair shop will not have an impact on neighbor's property. It is 300 feet from her property and she has had 2 professional relators say it harms her property. With the cost of his attorney, he could have built him a shop on Napier. How did we get this far? Fifteen years ago I came here, it is beautiful, protected and quite. We have opened doors to months and years of litigation. How did line item get there without public comment?

**Approval of Minutes & Agenda:**

- Motion by D. Baiers / J. Doroh to approve Minutes of the May 21, 2018 meeting.  
**Motion Carried**

**Approval of Agenda:**

- Motion by G. Grear / D. Baiers to approve Agenda as written.  
**Motion Carried**

**Reports:**

- No Township Board Report
- No Zoning Administrator Report
- Zoning Board of Appeals hearing, Wednesday, August 1<sup>st</sup> at 7:00 P.M.

**Public Hearing Opened 7:12 PM:**

- **Mr. Zack Spear**, spoke in regards to his application for a Special Land Use Permit for a Dog Kennel/Grooming business. He recently bought on Hill Road. His wife has been boarding and grooming animals for 10-12 years. She has a place in Bridgeman but would like to move here to work and live.

## **July 30, 2018 Continued**

- **Board Member Lasata** - Stated the current kennels face the road. Maybe you could plant a tree buffer or fence to cut down on noise.
- **Board Member Bjes** – Stated we had received one letter from resident Henry Fisher. (attached)
- **Carlton Greg Schooley**, 7565 Hill Rd. Welcomed the Spears to the neighborhood and stated please don't take my comments personally. My house is on hill and line of site with everyone. It is 1953 feet from your house and my property line is 300 feet from yours. I have 20 acres. We are animal lovers, not here for not loving animals, welcome them and animals to neighborhood. We enjoy nature, serenity in Bainbridge, many families have lived here for 150 years. Beautiful hills surrounding us, this kennel has outdoor runs which I refer to as an open run kennel. 24X7 days a pack of dogs were barking, and it has ended since the kennel was shut down. Dogs in neighborhood know each other, they don't bark but when the kennel was open, they barked 24X7 and it created barking by all our neighbor dogs. We do not want this to happen with this kennel reopening.
- **Scott Kerr**, 7920 Hill Rd. Has lived at this address for 5 years, has 2 kids one in College and another in High School, they do a lot of studying. My son takes on-line classes. Have heard people talk about the kennel and haven't heard anything positive. My concern is in the evening. What controls would you put on before approving?
- **Merton Dell**, 7979 Hill Rd. Said dogs bark and it's very difficult to sleep at night, when one barks all bark, 36 dogs barking.
- **Doug Hill**, 7780 Hill Rd. Moved to Hill Road because of his last name. Has wife Megan, 3 kids and dog Boughmont. Bought in 2015, my wife has Celiac Disease and found this farm to grow apples, make hard cider and market it. Located this property in 2015 and there was no kennel there. No home on property, we bought and want to build a home, but it would be crazy to build next to a kennel. It is our intent to sell sider, don't know that people would want to come to listen to barking. The age of the facility (34 years old) concerns if it is equipped to handle waste and if they have a separate septic system for animal waste.
- **Tom Zabadal**, 7785 Hill Rd. Welcome. I am an old fogey, who did experience the function of the old kennel. It was excruciating and constant. I wore ear plugs working in vineyard because of constant barking. I have developed an outdoor service area, people will not want to sit and drink wine to listen to barking. Township deserve credit for following process, but you also have a responsibility to get decision right. Went to new Berrien County Kennel. Animals are all housed internally to control noise, sound proof for use of office part of building. I have a SLU permit which

## **July 30, 2018 Continued**

reads:

- A. The special land use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
- B. The special land use shall not inappropriately change the essential character of the surrounding area.
- C. The special land use shall not interfere with the general enjoyment of adjacent property.
- D. The special land use shall represent an improvement to the use or character of the property under consideration and the surrounding area in general, yet also be in keeping with the natural environment of the site.

If this structure is only renovated to use as in the past, it will not be in keeping with these rules.

- **Donna Dell**, 7979 Hill Rd. When the kennel was open before it was so bad, could not sit outside or sleep due to the noise of the kennel. No relief even when owners closed it all up you could still hear the noise. I hope this permit will not be approved.
- **Zoning Administrator Ross Rogian**. I have been here for 20 years and have never heard a complaint on this kennel, nor had Dave.

## **Public Hearing Closed 7:50 PM – Discussion Closed 8:20 PM**

**D. Kreitner** – Special Land Use permitted originally (10.4 section 3A) transferrable with all terms met, this lapsed and now wasn't transferrable.

**G. Grear** – Read through questions with board members.

## **Regular Meeting Opened 8:20 PM:**

- **Board Member Bjes** – Unless you enclose the kennel you will hear barking.
- **Board Member Lasata** – I have a kennel ¼ mile from my house and I do not hear barking.
- **Board member Krietner** – In review of Section 10.04, the permit issued in past stay with the property, but they signed they no longer need the permit.
- **Applicant Zack Spear** – Never wanted 36 dogs, wanted small operation. Has a 30 by 20 building for grooming and office. The kennel is a separate building 60 by something.
- **Board member Krietner** – Reviewed Section 8.04 and noted 1 accessory building is in compliance.
- **Chairman Grear** – Discussion and completion of Findings of Fact (attached)

**July 30, 2018 Continued**

- **Motion Bjes/Krietner** to allow grooming only in an enclosed building with a maximum of 3 dogs on site at any given time. If sound seems to be a problem to neighbors, applicant will install sound absorbing materials.

**Secretary called the roll:** "YES" - G. Gear, D. Kreitner, J. Doroh, D. Baiers, R. Bjes, M. Morlock -- "NO": None

**Motion Carried**

- **Future Land Use Map and Zoning Map** - When the future land use map was adopted, the completion of 31 was near. A lot of activity was expected to happen that has not. The college was looking at that time to come this way and the discussion of moving the County Court House this direction was going on. None of that happened. Chairman asked all review these maps for discussion at their next meeting.
- **Butcher Shop-** Motion by G. Gear / D. Baiers to allow Butcher Shop at 5049 E. Britain under a Registered Business Permit, SLU permit no required according to Right to Farm Act.

**All in Favor / Motion Carried**

**Adjourn:**

- Motion by C. LaSata / G. Gear to adjourn at 8:47 PM

**Motion Carried**

Respectfully submitted,

Melissa Morlock, Secretary

All matters listed under the Consent Agenda are considered routine by the council and will be enacted by one motion. There will be no separate discussion of these items. If discussion of an item is required, it will be removed from the Consent Agenda and considered separately.