

BAINBRIDGE TOWNSHIP
ZONING BOARD OF APPEALS
VARIANCE MEETING MINUTES
October 26, 2020

CALL TO ORDER:

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

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

Absent: None

PUBLIC COMMENT:

- Opened Public Comment at 7:01 p.m.
No Public Comment
- Closed Public Comment at 7:02 p.m.

APPROVAL OF MINUTES:

Motion by DeLapa/Bjes to approve the minutes of January 15, 2020 as submitted.

Voice Vote: Yes—all; No—none.

Motion carried.

SUSPEND REGULAR MEETING – 7:04 p.m.

PUBLIC HEARING:

- Opened Public Hearing at 7:04 p.m.
- Public Hearing for a Variance on property number 11-01-0020-0004-00-1.
- Patty Hiler-Molter presented her reasons for requesting a Variance to divide a homestead out of farmland for the purpose of a sale. The property to be purchased is less than the 2-acre requirement by the Bainbridge Township Zoning Ordinance.
 - If the Variance is not approved, the one (1) acre buildable parcel on her farm property at 6808 Territorial Rd., Benton Harbor, MI and the attached 39-acre farmland would be sold as two parcels.
 - If the Variance is approved, she would then attach the 1 acre to the 39 acres and sell it as one parcel. The one-acre buildable parcel will not be sold for such purpose to insure the property would remain as farmland.
- Bainbridge Township – The Township Ordinance section 5:12 (A) allows one lot of at least 2 acres with a minimum 150-foot road frontage with the remaining parcel at a minimum of 5 acres. The site plan indicates a split of 1.03 acres of which she would like to combine to a non-adjacent non-attached parcel. The combination of a non-attached lot is not applicable as the Township Ordinance does not address or allow for such to be applied referencing land divisions. The Zoning and Enabling Act does not address it as applicable. The Variance is considered a NON-USE VARIANCE, providing the applicant proves practical difficult applies.
- No correspondence

PUBLIC COMMENT:

- **Board members ask questions/opinion:**
 - Ron Bjes – We have a law that states a minimum of 2-acre splits. The residents of Bainbridge Township has said they want 2-acres splits and nothing less.
 - Zaluckyj – One-acre split for a building on a larger parcel is fine but this request for a Variance does not apply.

- Molter – The applicant who wants to purchase the 39-acres plus 1 needs to ask for the combination parcel. I am trying to keep as much land in farming as possible.

CLOSED PUBLIC COMMENTS – 7:20 p.m.

OPEN ATTORNEY COMMENTS – 7:20 p.m.

- Judge Peterson reminded the ZBA that Section 13.05 of our Zoning Ordinance has rules about Land Division, and we must stay within them.

CLOSED ATTORNEY COMMENTS – 7:28 p.m.

CLOSED PUBLIC HEARING:

- Motion by DeLapa/Bjes to close Public Hearing and open Regular meeting at 7:28 p.m.
- All in favor.

Motion carried.

RE-OPEN REGULAR MEETING

FINDING OF FACTS: (Attached)

COMPLETED FINDING OF FACTS

MOTION ON APPROVAL OF FINDING OF FACTS

Motion by Bjes/Zaluckyj to DENY the Variance.

Roll call:

- Zaluckyj – yes to deny
- Zilke – yes to deny
- Bjes – yes to deny
- DeLapa – yes to deny
- Weber – yes to deny

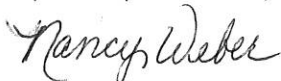
Motion carried.

ADJOURNMENT:

- Motion by Bjes/DaLapa to adjourn at 7:40 p.m.
- All in Favor

Motion carried.

Respectfully Submitted,


Nancy Weber, 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.