

Bainbridge Township
Planning Commission Meeting
Minutes
May 17, 2021

The meeting was called to order by Chairman, Dale Kreitner at Bainbridge Township Hall, 7315 Territorial Rd, Watervliet, Michigan 49098 at 7:00pm.

ROLL CALL

Present: Dale Kreitner, Melissa Morlock, Don Baiers, Jim Doroh, Ron Bjes, Scott Bluschke, Dave Peden (also present Chad Yetzke, Alternate)

Absent: None

OFFICER APPOINTMENT:

Dave Peden is appointed to Vice Chairman of the Planning Commission

Voice Vote: All in Favor

Motion Carried

PUBLIC COMMENT:

OPENED 7:00pm CLOSED 7:01pm

NONE

APPROVAL OF MINUTES:

Motion by Ron Bjes / Scott Bluschke to approve Minutes May 17, 2021

Voice Vote: All in Favor

Motion Carried

APPROVAL OF AGENDA:

Motion by Don Baiers / Ron Bjes approve the Agenda.

Voice Vote: All in Favor

Motion Carried

REPORTS: 7:03

Zoning Board of Appeals: None

Township Board: None

Building Inspector: None

PUBLIC HEARING

Public Hearing was published in the Tri-City Record. Chairman Kreitner asked the Public to please understand this hearing tonight is to decide if the proposed Small Mechanic Shop is to be approved or disallowed based upon the information in the Application, the requirements of the Zoning Ordinance, any Special Land Use Restrictions and any information raised at the Public Hearing, which may be attached to the request. Any requirements being placed on such operation as a Home Occupation and potential Special Land Use is not governed by any other requirements or limitations on previously granted cases. Any and all restrictions or requirements are for this specific property only based on facts and plans submitted. The review of all aspects

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of the proposed application must comply with all of the General Standards of Section 10.04C(1) Sub sections a through h to be approved. Mr. Chairman also addressed, that as Chairman he asks that if you wish to speak, you clearly state your name and address, so the Secretary may properly record the minutes.

Open Public Hearing: 7:05pm

Chairman Kreitner reviewed the application from Steven Schrage, located at 6101 East Napier Ave, Benton Harbor, MI 49022. The application is for a Small Mechanic Shop, repairing vehicles, operations to be limited to Monday-Friday, and Saturday, a maximum of 4 customer vehicles on the premise is requested. The Home Occupation will be located in an accessory building, with the only employee being Mr. Schrage. The percentage of the floor space to be used is approximately 683 sq ft. This was a 3-bay garage limited to 1-bay, separated out by installing a wall, allowing a small section for tools and his office. The sign is under the 12 X 36 sign that is permitted, located by the road. Mr. Schrage stated that he anticipates 4-6 vehicles to be the normal occupation for each day. Tools were listed to be used as well as a sketch of the planned area were included on the application.

Public Comment: 7:07pm

- **Mr. Schrage**, located at 6101 East Napier Rd, Benton Harbor, MI 49022 stated he would like to work from his house, within reason. He has 11 personal vehicles, a boat, 2 jet skis, campers, and trailers.
- **Attorney, Frank J. DeFrancesco** spoke on behalf of his client Susan Baker. He sent correspondence, and sent a number of letters on this request, along with her affidavit. Standards are that the Special Land Use is designed, constructed, operated, and maintained in a manner harmonious with the character of adjacent property and surrounding areas. He stated, he was sure how we could ever find that, that condition would be met. His client is immediately adjacent to the property and an auto repair shop is unacceptable, under your ordinance. His client is not enjoying an auto repair shop, whether large, medium, or small directly adjacent to her property. He asked the Planning Commission, to ask themselves if they would want the repair shop next to their home and to put themselves in Ms. Bakers shoes. He questioned whether this made sense or is this just simply spot zoning and putting a Commercial Operation in the middle of Residential Ag Zone.
- **Vince Parrinello**, located at 9250 East Napier Ave, Benton Harbor, MI 49022 mentioned he would like to know why after all the time and money spent, a judgment also by 3 judges, in an Appeals Court in Grand Rapids, MI., and Judge Donna Howard all saying this should be shut down. Why is this not closed and how are they continued to operate. How would you feel after you spent years working on your house and then someone put that right next to you? Not to mention, that your new neighbor had no concern as to what the impact of that would be to that property. He mentioned Ms. Susan Baker is harassed weekly and makes her not want to go to her home. Please bring this situation to a close, so she can go back and enjoy her home.

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- **Gary Margolis**, located at 9411 Meadowbrook Rd, Eau Claire, MI 49111 stated the Planning Commission met years ago to address this same issue. Nothing really materially has changed. This is the same action, same issues, and the same guidelines

that have to be met, in order to approve a Special Land Use. He mentioned he doesn't want anyone to feel that this is a neighbor-to-neighbor spat. They had 150 signatures on the petition when 49Q was discussed. He reminded the public that there is a ton of support in opposition to this particular location for an auto repair shop.

- **Crystal Baker**, located at 3 Second 72nd Street, South Haven, MI 49090 stated Mr. Schrage would follow and watch her, whether in the front of the yard or in the back of the yard.
- **Amy Schrage** located at 6101 East Napier Ave, Benton Harbor, MI 49022 stated there have been police reports filed.
- Grey Adams, located at 2844 Fairview Rd, Eau Claire, MI 49111 stated Police report filed on Mr. Schrage for blocking the road to sight of oncoming traffic.

Closed Public Hearing 7:20pm

Planning Commission Discussion:

- **Section 10.04 Review** - Chairman Kreitner read aloud Item C of Section 10.04 Review and Approval, conditions and guarantees. Also Read aloud in Section 10.04C,1,a-h. The proposed list is conditions for approval of Special Land Use, for the District in which it is proposed, that would be the Small Mechanic Shop, Auto being proposed.
- **Section 8.02 Statement of Conclusion** - Chairman Krietner reviewed General Standards for approval of a Home Occupation Permit 8.02,A-F. Chairman Krietner then offered considerations to the members of the Planning Commission, which would be imposed for approval of the Home Occupation; Require interior modification to restrict the working area from other bays, restrict a maximum of two (2) customer vehicles to one (1) inside and one (1) outside, all personal vehicles, boats, RV's, trailers must be licensed and operable. A fenced enclosure must be built of such nature to be solid, restricting view from the public of parts, tires, and equipment. No person other than the members of the family residing on the premises should be engaged in such occupation, unless waved by the Planning Commission, as a condition of the Special Land Use Permit. Mr. Schrage would be the only employee. There would be no outside employees. The open fence to the west, must be replaced with a new solid in nature fence, to the edge of the property. Commissioner Jim Doroh added no outdoor storage of equipment, tools, as well as no commercial sales of vehicles on the property. (attached)

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attempted to offer a different explanation as to the number of vehicles expected from daily to weekly, while Question E was being discussed. This was different language from the information described in the application. (attached)

- **Section 10.04C Statement of Conclusion** - Chairman Krietner then reviewed the General Standards to allow joint consideration, to support a small mechanics shop, featuring an automobile repair in accordance with Special Land Use Regulation, following with Section 10.04C,1,a-h. these questions were also read aloud and conclusions were recorded from the members. (attached)
- **Disposition** - Motion made by Dale Kreitner / Dave Peden to deny the joint application for Home Occupation and Special Land Use Permit, for a Small Mechanic Shop, located at 6101 E. Napier Ave., Benton Harbor, MI 49022 because of the conditions just outlined. (attached)

"Yes" Dale Kreitner, Melissa Morlock, Don Baiers, Jim Doroh, Ron Bjies, Scott Bluschke, Dave Peden "No" None Motion Carried

Zoning Amendments: None

Correspondence: A letter From Attorney Frank J. DeFrancesco, Affidavit from Susan Baker, overhead map of property, and Michigan Appeals Report.

General Discussion: 7:40pm There will not be a Planning Commission meeting in June, we will resume in July.

ADJOURN: 7:43pm

Motion by Jim Doroh / Ron Bjies
Voice vote: All in Favor

Respectfully,

Secretary, Melissa Morlock

SPECIAL LAND USE
STATEMENT OF CONCLUSION

Applicant Name SCHERAGE Date of Meeting: May 17, 2021

1. The proposed use is listed as a special land use for that district in which said use is proposed.
2. General Standards Special Land Use: TO SUPPORT A SMALL MECHANICS SHOP FEATURING
VEHICLE REPAIR IN ACCORDANCE WITH HOME CIRCUMSTANCES
REGULATIONS IN ACCORDANCE WITH SECTION 10.04(C)(1) SDR-SECTIONS
2 THROUGH 4
 - A. Will the special land use be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area?
No - 6/1/21
 - B. Does the special land use insure the essential character of the surrounding area will not inappropriately change? No
 - C. Will the special land use interfere with the general enjoyment of adjacent property?
Yes -
 - D. Will the special land use 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? No

E. Will the special land use be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes or glare? YES

F. Will the special land use adequately be served by essential public facilities and services, or will it be demonstrated that the person responsible for the proposed special land use be able to continually provide adequately for the services and facilities deemed essential to the special use under consideration? YES - POSSIBLE EXCEPTION TO
FIRE RISK

G. Will the special land use place demands on public services and facilities in excess of available capacity? NO

H. Is the special land use consistent with the intent and purpose of this Ordinance, and the objectives of any currently adopted Bainbridge Township Master Plan? NO - NOT FARM RELATED -

3. Are the standards of the district in which the special land use is to be located fulfilled? NO -

4. Conditions imposed for approval. NO APPLICABLE

(Chairman of Planning Commission Signature)

1 May 17, 2021
(Date)

HOME OCCUPATION
STATEMENT OF CONCLUSION

Applicant Name: SCHRABE **Date of Meeting:** _____

1. The proposed use is listed as a Home Occupation Special Land Use for that district in which said use is proposed:

SMALL MECHANICS SHOP - AUTO'S YES

2. General Standards Home Occupation:

- A. No person other than members of the family residing on the premises shall be engaged in such occupation unless waived by the Planning Commission as a condition of the Special Land Use Permit.

NO OUTSIDE EMPLOYEES YES

- B. The use of the dwelling unit, for the Home Occupation shall be clearly incidental and subordinate to its use for residential purpose by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the Home Occupation.

NOT TOTALLY INCIDENTAL - 3 BAY GARAGE OF WHICH ONLY
APPROXIMATELY 700 SQ FEET MAY BE USED - 25% OF YES
LIVING AREA OF RESIDENCE

- C. No exterior alterations, other than a permitted sign and those alterations required by law to ensure the safety of the structure and guests shall be allowed.

OK -

- D. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such Home Occupation other than one (1) sign not to exceed thirty-two (32) square feet and which shall have a ratio between height and width not greater than one (1) to three (3). Said sign may be mounted on the building or on a freestanding post or posts which shall be placed in accordance with existing setback regulations.

YES

E. No traffic shall be generated by such Home Occupation in greater volumes than would be normally expected in a residential neighborhood, and any need for parking generated by the conduct of such Home Occupation shall be met off the street and other than in a required front yard. EXPECT 4 TO 6 VEHICLES PER DAY - MONDAY - SATURDAY

F. No equipment or process shall be used in such Home Occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises. AIR TOOLS

3. Are the standards of the district in which the special land use is to be located fulfilled? NO

4. Conditions imposed for approval. REQUIRE INTERIOR MODIFICATIONS TO RESTRICT WORKING AREA, MAXIMUM OF 2 CUSTOMER VEHICLES - 1 INSIDE / 1 OUTSIDE
ALL PERSONAL VEHICLES, BOATS, R.V.'S, TRAILERS MUST BE LICENSED & OPERABLE.
A FENCED ENCLOSURE MUST BE BUILT OF SUCH NATURE TO BE SOLID
& TO RESTRICT VIEW OF THE PUBLIC FOR PARTS/TIRES/EQUIPMENT.
THE FENCE TO THE WEST MUST BE SOLID IN NATURE TO THE EDGE OF THE PROPERTY REPLICATING EXISTING OPEN FENCING.

[Signature]
(Chairman of Planning Commission Signature)

1 May 17, 2021
(Date)

NO OUTDOOR STORAGE OF EQUIPMENT OR TOOLS -
NO COMMERCIAL SALES OF VEHICLES -

Applicant Name: STEVE Selege Date of Meeting: 5/17/21

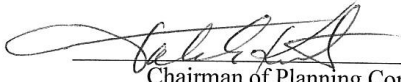
DISPOSITION

Motion to Approve: _____

Motion to Deny: _____

Motion for Conditional Approval - Applicant brings application and site plan up to the following standards:

MOTION TO JOINTLY DENY BOTH THE HOME OCCUPATION
& SPECIAL LAND USE FOR A SMALL MECHANIC SHOP
AT 6101 E. NAPIER AVE BENTON HARBOR, MI 49022



Chairman of Planning Commission Signature

May 17, 2021

(Date)

Resubmitted with conditions met.

Application Received: _____

Chairman of Planning Commission Signature

(Date)