

BAINBRIDGE TOWNSHIP
ZONING BOARD OF APPEALS
VARIANCE MEETING MINUTES
June 15, 2022

CALL TO ORDER:

Chairman, Ron Bjes, called the Variance Meeting held at the Bainbridge Township Hall, 7315 Territorial Rd., Watervliet, MI, meeting to order at 7:00 p.m.

Present: R. Bjes, J. DeLapa, N. Weber, P. Zaluckyj, Gary Zilke, C. Yetzke, Alternate

PUBLIC COMMENT:

No public comment.

APPROVAL OF MINUTES:

Motion by Bjes/Zaluckyj to approve minutes of January 19, 2022, as submitted.

Voice Vote: Yes—all; No—none.

Motion carried.

REPORTS:

None

PUBLIC HEARING FOR DEBRA L. MULLEN (WALKER):

- Motion by DeLapa/Weber to suspend Regular Meeting and open Public Hearing at 7:02 pm.
- Chairman Bjes summarized the reason for this hearing request. Debra Mullen is requesting a land variance for keeping her mule. She owns 2.21 acres and Bainbridge Township requires 3 acres.
- Mullen would like to keep the animal until they move, or the mule passes.

PUBLIC COMMENT:

- Matthew Lowe, 1806 S. Park Rd. Benton Harbor – An emotional support animal is not considered a service animal. A mule is not a service animal. The pen is too close to neighboring properties.
- Donna Faulkner, 1830 S. Park Rd., Benton Harbor – Mullen wanted to rent Faulkner's property for her 1 or 2 mules. Falkner did not see a contract; Mullen signed Faulkner's name on contract; no rent paid. The mule destroyed trees and plants. Mullen did not clean up mule area, and the quality of care for the animal was not noticeable.
- Ryan Schilke, 1860 S. Park Rd., Benton Harbor – Mullen is not a good neighbor and doesn't show good care for the animal. Mullen's property runs at the back of Schilke's property and there is not enough acreage to keep the mule.
- Richard Lowe, 1806 S. Park Rd., Benton Harbor – Pen is too close to neighboring properties. Manure smell is too much.
- Dan Mullen, 1786 S. Park Rd., Benton Harbor – She needs to pet animal because of her anxiety issues.

CLOSED PUBLIC HEARING:

Motion by Bjes/Weber to close Public Hearing at 7:20 pm.

Voice Vote: Yes---all; No---none.

Motion carried.

BOARD DELIBERATION:

- Zaluckyj – Visited site and said the care of the mule was good; clean, water and food available.
- DeLapa – Maximum number of acres (3) has not been met no matter how many animals she has. She cannot meet any of these issues: 3-acre minimum, setbacks, manure pile.

- Weber – She does not have adequate medical documentation.

FINDING OF FACTS/REVIEW STANDARDS: (Attached)

Zoning Board of Appeals member DeLapa made a motion and supported by member Weber to deny the application for a variance allowing Mullen to keep a mule on her property.

Roll call:

Ron Bjes	Yes
John DeLapa	Yes
Nancy Weber	Yes
Peter Zaluckyj	No
Gary Zilke	No

Motion carried.

ADJOURNMENT:

- Motion by DeLapa/Zilke to adjourn at 7:50 p.m.
- All in favor.

Motion carried.

Respectfully Submitted,

Nancy Weber, Secretary