



PLANNING COMMISSION
At Marshall Township Hall

13551 Myron Avery Drive. Marshall, MI. 49068

Tuesday, September 5, 2023, at 7:00 P.M.

AGENDA

- I. Call to order
- II. Roll Call
- III. Pledge of Allegiance
- IV. Approval of Agenda – Items can be added or deleted by Commission action.
- V. Public Comment – **Persons addressing the Commission must give their name and address for the record when called upon by the Chair. Public members shall be limited to speaking for a maximum of five (5) minutes.**
- VI. Approval of minutes – August 1, 2023.
- VII. Old Business
 - 1) Marshall Township PC Bylaws Proposed
- VIII. New Business
- IX. **Public Hearing, Public Hearing for Review and possible revocation of a Conditional Use Permit (CUP) for DAVID'S BROWN AUTO COLLISION 13333 15 MILE RD., MARSHALL, MI 49068 16-272-015-00 as defined in Section 13-7 of the Township Ordinance.**
- X. Public comment - **Persons addressing the Commission are required to give their name and address for the record when called upon by the Chair. Members of the public shall be limited to speaking for a maximum of five (5) minutes.**
- XI. Zoning Administrators Report
 - a. One-Day Permit 14201 H Drive N
- XII. Commissioner comments
- XIII. Adjournment

Next Meeting October 3, 2023



PLANNING COMMISSION MEETING
Tuesday, August 1, 2023, at 7:00 P.M.
Minutes

The meeting was called to order at 7:00 PM by Chairperson Egnatuk.

Attendance was done by roll call vote.

Present: Commissioners Lyng, Johnson Boshears, Egnatuk, Gresly, Lindsey, Hoffman, and Egnatuk

Excused: All Present

Others Present: Zoning Administrator Paul Anderson and several citizens.

Commissioner Egnatuk led the Pledge of Allegiance.

Motion by Lyng and seconded by Lindsey to approve the agenda.

Roll Call Vote

Aye: Commissioners Lyng, Boshears, Hoffman, Johnson, Lindsey, Gresly, and Egnatuk, Opposed none.

Public Comments:

There were comments about the Blue Oval project, Master Plan, Solar Panels, an Address Mistake, The EV Batteries, and the Solar Project.

Motion by Commissioner Lyng and seconded Lindsey to approve the Jul 10, 2023, minutes. There was a comment by the Commission that comments can be generalized.

Voice Vote: Aye: Commissioners Lyng, Hoffman, Lindsey, Boshears, Johnson, Gresly, and Egnatuk, Opposed none.

The proposed by-laws were reintroduced to the floor. The Chairperson stated they needed more time to up the draft copy for the attorney to review.

Motion by Commissioner Lindsey and seconded by Johnson to postpone the by-laws until the September meeting.

Roll Call Vote

Aye: Commissioners Johnson, Lindsey, Gresly, Boshears, Hoffman, and Egnatuk, Opposed none.

Chairperson Egnatuk Opened the Public Hearing at 7:35 PM.

Public Hearing, Special Land Use for Kalamazoo River Community Recreation Foundation, the property owner is requesting a special land use for the property commonly known as 116 Marshall St, Ceresco, MI,



PLANNING COMMISSION MEETING

Tuesday, August 1, 2023, at 7:00 P.M.

Minutes

49033, MI 49068 16-306-012-03, known as Ceresco Green. The applicant is requesting to be allowed the KRCRF proposes to construct a seasonal restroom. in Table 3.2 Schedule of Uses: Agricultural and Residential Districts, Parks, playgrounds, and outdoor recreation areas in the Township Ordinance.

Michael Schroeder of the Kalamazoo River Community Recreation Foundation was there to answer questions. He discussed that cost overruns and the pandemic caused them not to complete the first approved application. They would like to start the project's construction and have it ready to open in the spring of 2024.

Public comment, an address mistake, Zoning concerns, property rights, maintenance, wanted to avoid seeing an outhouse, and residents spoke in support of the project, to see the bathroom open, not seasonal, doesn't like the name, will there be a drain filed and a holding tank.

Chairperson Egnatuk closed the Public Hearing at 7:55 PM.

Mr. Schroeder was allowed to address some of the questions that were raised. There will be a drain field and a pump station at the street level and has been approved by the Calhoun County Health Department. The door will auto lock if they are in use, and the user only has to turn the handle to get out. The lock will be set up to open in the morning and lock at night according to the sunrise and sunset. They meet with the maintenance contractor monthly and are in contact VIA email. 38% of the annual budget is set aside for the bathroom. The facility will be seasonal and normally open from the first of May to the end of October. They will also monitor river usage and will make adjustments. The facility will be similar to Saylor's Landing and Paddler's Grove.

Commissioner Comments – Commissioner Johnson asked about the address error, and it was noted that Marshall, MI was in the letter that was sent, but the property tax ID was correct. The mailing to the residents was done off the tax ID. Comment about the drawing and the septic system. Asked if there would be lighting. There will be a light similar to a mercury vapor light. It was asked if anyone can use the facilities, yes. Asked about the cost of the project, it was 230K. The cost overruns added 20 to 30K.

It was moved by Commissioner Lindsey and seconded by Gresly to approve the Special Land Use without additional conditions.

Roll Call Vote

Aye: Commissioners Lyng, Boshears, Hoffman, Gresly, and Egnatuk, Opposed Johnson note that the recommended stipulation was not in the motion.

Public Comments: Comment about solar, talk of lawsuits and Chinese.



PLANNING COMMISSION MEETING
Tuesday, August 1, 2023, at 7:00 P.M.
Minutes

Zoning Administrator – Update the commission that there will be a September Planning Commission meeting. Also made a comment on what property was sold for.

Commissioner Comments- Johnson is concerned about comments that were made at the meeting. Would like to see that all the additional requirements for the bathroom are done. Questions about the Mega site and the 425 agreement, and new 425's. It was discussed that there would be properties on Huges St that will be part of a 425. Commission Gresley asked about the properties on Huges Street and if a site was submitted it would go to the Joint Planning Commission.

Discuss the Joint Planning Commission and ask that their comments be added to the record. Boards must make decisions based on the facts. Driveway permit and pond for the solar project and the county's comments on solar, Township Inspectors, Joint Planning Commission language on site plans, I-3 Zoning in the city.

It was moved by Commissioner Lindsey and seconded by Commissioner Gresley for adjournment at 9:25 PM.

Voice Vote Aye: Commissioners Hoffman, Lyng, Boshears, Egnatuk, Johnson, Gresly, and Lindsey,
Opposed none

Respectfully Submitted by Zoning Administrator Paul Anderson for Secretary Lindsey.

NOTICE OF HEARING

Marshall Township
Calhoun County, Michigan

The Marshall Township Planning Commission will hold a hearing on Tuesday, September 5, 2023, at 7:00 p.m. at the Marshall Township Hall at 13551 Myron Avery Drive in Calhoun County, Michigan, for the purpose of hearing all persons interested in the following issue:

Public Hearing for Review and possible revocation of a Conditional Use Permit (CUP) for DAVID'S BROWN AUTO COLLISION 13333 15 MILE RD., MARSHALL, MI 49068 16-272-015-00 as defined in Section 13-7 of the Township Ordinance.

MARSHALL TWP SEC 27 T2S R6W UNIVERSITY LOTS 31 & 32 N OF MC RR R/W EXC. BEG 765' N AND 440' W OF INTERSECTION OF E LN LOT 31 EXTENDED AND N LN OF CONS. RAIL CORP ROW TH W 110' TH S 200' TH W 50' TO W LN LOT 31 TH N 485' TH E 600' TH S 285' TH W TO BEG. ALSO EXC. BEG SE COR TH N 365' TH W 350' TH S 200' TH W 250' TH S TO N LI TH NELY TO BEG. ALSO EXC BEG 565' N OF SE COR TH W 550' TH N 200' TH E 550' TH S 200'.

Township Zoning Ordinance and Zoning Map are available for inspection from Jeff Albaugh, Marshall Township Clerk (781-7976), upon request to the Township call, leave a message or email info@marshalltownship.org prior to said meeting.

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Calhoun County, Michigan

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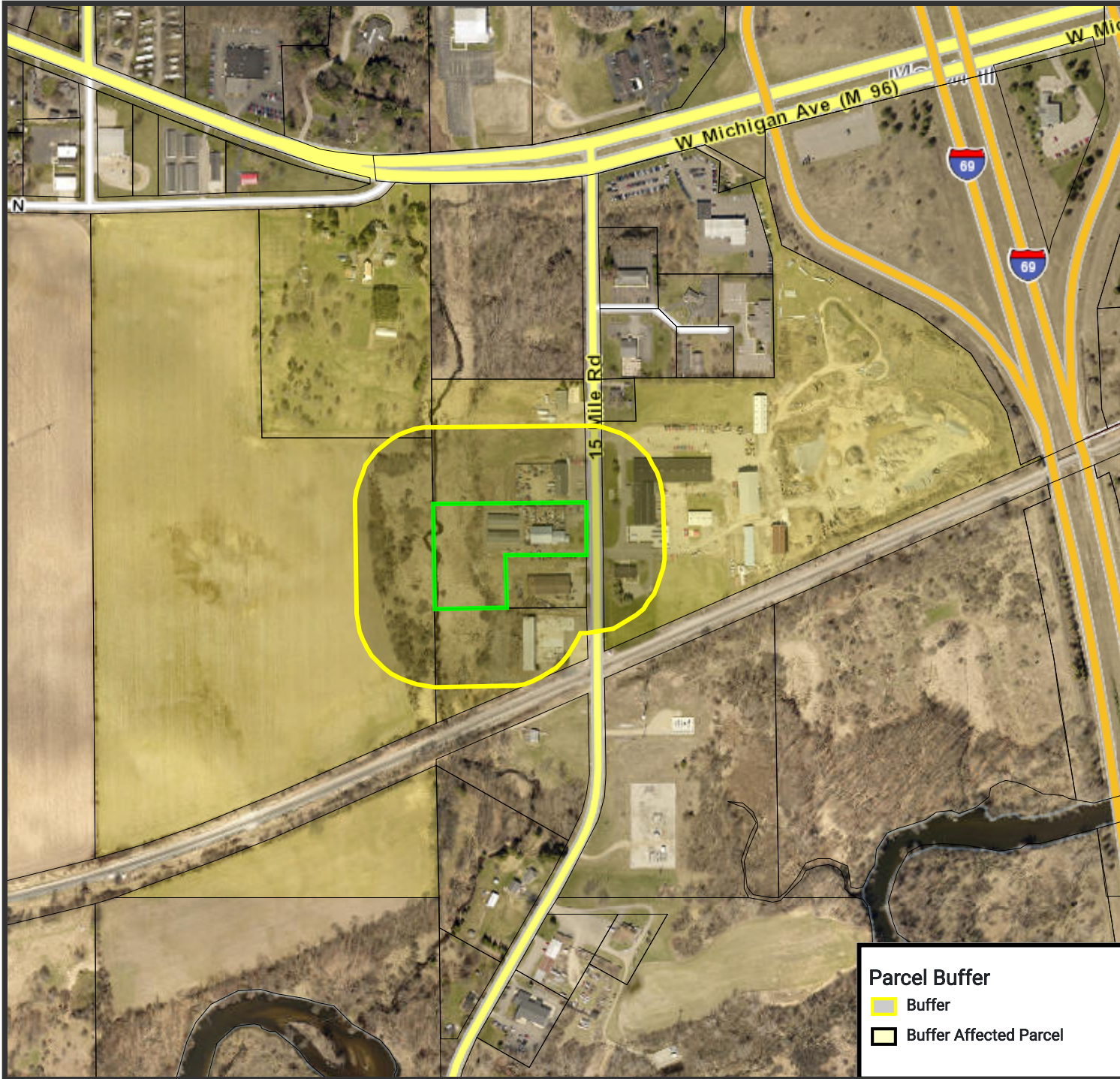
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Dated: Aug 10, 2023, MARSHALL TOWNSHIP PLANNING COMMISSION
By: Alec Egnatuk, Marshall Township Planning Commission Chair

Please publish the above Notice in the Advisor/Chronicle on August 19, 2023. Please forward Proof of Publication and bill to Marshall Township at the Marshall Township Hall, 13551 Myron Avery Drive, Marshall, MI 49068.



300' Buffer Mailing

13333 15 Mile Rd



Map Publication:
08/08/2023 4:13 PM



Disclaimer: This map does not represent a survey or legal document and is provided on an "as is" basis. Calhoun County expresses no warranty for the information displayed on this map document.

Parcel Buffer

- Buffer
- Buffer Affected Parcel



MUMAW PHYLLIS/ LIVINGSTON LOWELL
PO BOX 226
MARSHALL, MI 49068

COMMUNITY IN MARSHALL LLC
15230 C DRIVE N
MARSHALL, MI 49068

BROWN DAVID'S AUTO COLLISION
13333 15 MILE RD
MARSHALL, MI 49068

MJS&C 97-1, LLC
3707 9 1/2 MILE RD
BURLINGTON, MI 49029

RHC HOLDINGS LLC
6114 FERRIS RD
EATON RAPIDS, MI 48827

DC ELECTRIC LIMITED LIABILITY PARTN
13401 15 MILE RD
MARSHALL, MI 49068

BUD'S LANDS, LLC
13341 15 MILE RD
MARSHALL, MI 49068

CALHOUN COUNTY ROAD COMMISSIO
13300 15 MILE RD
MARSHALL, MI 49068



MARSHALL
 202 E MICHIGAN AVE
 MARSHALL, MI 49068-9998
 (800)275-8777

08/02/2023

03:23 PM

Product	Qty	Unit Price	Price
First-Class Mail® Large Envelope	1		\$3.99
Marshall, MI 49068 Weight: 0 lb 11.20 oz Estimated Delivery Date Sat 08/05/2023			
Certified Mail®			\$4.35
Tracking #: 7017338000082148501			
Return Receipt			\$3.55
Tracking #: 9590 9402 3815 8032 3999 66			
Total			\$11.89
Grand Total:			\$11.89
Cash			\$20.00
Change			-\$8.11

Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit www.usps.com USPS Tracking or call 1-800-222-1811.

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 Track your Packages
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<https://informedelivery.usps.com>

All sales final on stamps and postage.
 Refunds for guaranteed services only.
 Thank you for your business.

Tell us about your experience.
 Go to: <https://postalexperience.com/Pos>
 or scan this code with your mobile device,



or call 1-800-410-7420.

UFN: 255850-0977
 Receipt #: 840-54930296-3-5737190-2
 Clerk: 4

7017 3380 0000 8214 8501

U.S. Postal Service™
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For delivery information, visit our website at www.usps.com®.

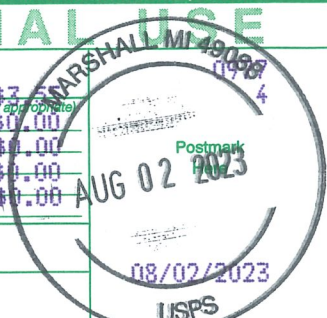
Marshall, MI 49068

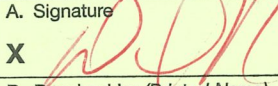

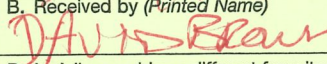
Certified Mail Fee	\$4.35
Extra Services & Fees (check box, add fee as appropriate)	\$7.54
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage	\$3.99
Total Postage and Fees	\$11.89

Sent To **DAVID BROWNS AUTO COLLISION**
 Street and Apt. No., or PO Box No. **13333 15 MILE Rd**
 City, State, ZIP+4® **MARSHALL, MI 49060**

PS Form 3800, April 2015 FSN 7530-02-000-9047 See Reverse for Instructions



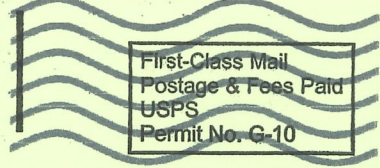
SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY																
<ul style="list-style-type: none"> ■ Complete items 1, 2, and 3. ■ Print your name and address on the reverse so that we can return the card to you. ■ Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X </p>																
<p>1. Article Addressed to:</p> <p style="text-align: center;">DAVID BROWN'S AUTO COLL 13333 15 MILE RD MARSHALL, MI 49068</p> <div style="text-align: center;">  9590 9402 3815 8032 3999 66 </div>	<p>B. Received by (Printed Name) C. Date of Delivery</p> <p></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>																
<p>2. Article Number (Transfer from service label)</p> <p>7017 3380 0000 8214 8501</p>	<p>3. Service Type</p> <table border="0"> <tr> <td><input checked="" type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td> <td></td> </tr> </table>	<input checked="" type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input checked="" type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
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<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)																	
<p>PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt</p>																	

USPS TRACKING#



GRAND RAPIDS MI 493

8 AUG 2023 PM 6



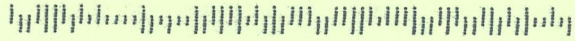
First-Class Mail
Postage & Fees Paid
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Permit No. G-10

9590 9402 3815 8032 3999 66

United States
Postal Service

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MARSHALL TOWNSHIP
13551 MYRON AVERY DR
MARSHALL, MI 49068



MARSHALL TOWNSHIP

13551 Myron Avery Drive
Marshall, MI 49068
(269) 781-7976

August 2, 2023

BROWN DAVID'S AUTO COLLISION
13333 15 MILE RD
MARSHALL, MI 49068

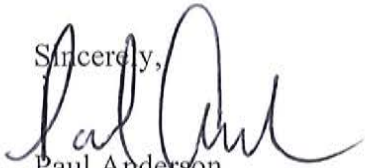
Re: 13333 15 MILE RD / 16-272-015-00

Enclosed is the packet to revoke your Conditional Use Permit (CUP).

The township has tried to get you to do what you said you would do in the original Conditional Use Permit (CUP). You have failed to do that. The Township has also tried to get you to comply with Township ordinances concerning In-operational motor vehicles, parking, and blight.

Your case will go to the Planning Commission for a public hearing within 30 days. You will be notified by mail. If your Conditional Use Permit (CUP) is revoked, you must submit a new site plan under the current Township Ordinance.

Sincerely,



Paul Anderson
Marshall Township
Zoning Administrator / Code Enforcement Officer
paul@marshalltownship.org

C/C: Seth Koches, Partner Bauckham, Thall, Seeber, Kaufman & Koches.
Planning Commission Members.

- B. *Minor Amendments.* Minor amendments are those changes that do not alter the basic design and character of the special land use nor any conditions of the original approval. Minor amendments to the site plan are those meeting the conditions in *Section 12-11*.
- C. *Major Amendments.* Changes to the special land use or its associated site plan that do not qualify as minor amendments shall be processed in accordance with the review and approval procedures of this article as if it were a new application.
- D. *Amendments of Reclassified Uses.* Any use lawfully established by right but subsequently reclassified as a special land use on or after the effective date of this ordinance is not a nonconforming use. Minor and major site plan amendments are subject to all zoning regulations, including any applicable specific use standards, and shall be processed in accordance with this article.

Section 13-7 Revocation

The Planning Commission shall have the authority to revoke a special use permit when the applicant has failed to comply with any of the applicable requirements of this article, other applicable sections of this ordinance, or the conditions of approval. The Planning Commission may revoke a previous approval if it finds that a violation exists and has not been remedied. The special use permit may be suspended or revoked per the following procedures:

- A. *Conditions for Revocation.* Conditions that may result in a suspension or revocation include, but are not limited to, the following:
 1. The special land use was not constructed in conformance with the approved plans, or the property is not being used in conformance with the approved special use;
 2. Compliance with the special use permit and any conditions have not been consistently demonstrated, and administrative attempts to secure compliance have been unsuccessful;
 3. The Special Land Use Permit has been issued erroneously based on incorrect or misleading information supplied by the applicant and/or his/her agents;
 4. The operation of the use granted by the special use permit has created a risk or danger to the public health, safety or welfare; or
 5. The special use violates any provision of this ordinance or other county, state or federal regulations.
- B. *Procedure.*
 1. If the Zoning Administrator determines that a special use permit should be suspended or revoked he/she shall prepare a report specifying the factual details of the violation and the reasons to suspend or revoke the permit.
 2. The Zoning Administrator shall file the report with the Planning Commission and provide a copy to the owner, authorized agent or employee by certified mail, return receipt requested.
 3. Within 30 days of filing the report with the Planning Commission, a hearing date will be set for the Planning Commission to consider the alleged violation(s) to determine if the Special Land Use Permit should be suspended or revoked. The owner or authorized agent shall be notified personally or by certified mail, return receipt requested, not less than 15 days before the scheduled hearing.
 4. The owner shall have an opportunity to respond to any allegations made by: questioning adverse witnesses; presenting witnesses on his/her behalf; and presenting arguments, personally or through legal counsel in his/her own behalf.
 5. The Planning Commission shall prepare a written report of its findings within 30 days of completing all hearings and provide them to the owner either personally or by certified mail, return receipt requested. If the Planning Commission concludes that the Special Land Use Permit must be suspended or revoked, the owner shall immediately cease to conduct, operate or carry on the business or use for which the Special Land Use Permit was granted.

MARSHALL TOWNSHIP
13551 Myron Avery Drive
Marshall, MI 49068
(269) 781-7976

August 17, 2016

BROWN DAVID'S AUTO COLLISION
13333 15 MILE RD
MARSHALL, MI 49068

Re: 13333 15 MILE RD / 16-272-015-00

Dear Mr. Brown,

I wanted to send you a letter today in regards to our conversation on Monday 8-15-16. Marshall Township has asked me to enforce there zoning ordinance. Please understand I was trying to work with you and not against you, nor do I wish to issue you a citation. There are neighbors around you that I also stopped at and talked to about possible concerns on their property. With that said the facts remain the same that you do have vehicles on your property that are in violation of the zoning ordinance. If you would like, you can call the township and I will be more than willing to come back to the property to talk to you?

An inspection at the above property was done. The following violation(s) of the township ordinance were found on the property.

Your Property is in violation of the storage of motor vehicles, Ordinance 1987-4.
No person, no firm or corporation shall park or store any dismantled, partially dismantled or inoperable motor vehicle in the township for more than 30 days. Vehicle must be able to operate under its own power and have a valid license displayed on the vehicle. A re-inspection has been schedule on or about 14 days from the date of this letter.

Sincerely,

Paul Anderson
Marshall Township
Code Enforcement Officer

MARSHALL TOWNSHIP
13551 Myron Avery Drive
Marshall, MI 49068
(269) 781-7976

September 20, 2016

BROWN DAVID'S AUTO COLLISION
13333 15 MILE RD
MARSHALL, MI 49068

Re: 13333 15 MILE RD / 16-272-015-00

Dear Property Owner,

An inspection at the above property was done. The following violation(s) of the township ordinance were found on the property.

Mr. Brown enclosed you will find enclosed the Planning Commissions agenda, recommendations and meeting minutes. You will also find the Board Minutes that approve the conditional use permit for the property. I have also attach to this letter a copy of the townships parking ordnance, since there are vehicles that are parked on the grass.

In "OC", "AB" and "AR" districts the use or occupancy of buildings, structures or lands is prohibited unless the following requirements are met and maintained:

- a. Off-street parking areas shall be drained so as to prevent drainage to abutting properties and shall be constructed of material which have a dust-free surface resistant to erosion.*
- b. Off-street parking spaces shall not be closer than five feet to any property line, except where a wall, fence or compact planting strip exists as a parking barrier along the property line.*
- c. Parking spaces for all types of vehicles and equipment may be provided either in garages, parking areas or driveways.*
- d. Outdoor storage or overnight parking of a commercial vehicle over one ton capacity shall be permitted if such vehicle is necessary to the function of the premises and provided with a such vehicles(s) be parked entirely within a side or rear yard or enclosed within a structure.*

8-17-16 I wanted to send you a letter today in regards to our conversation on Monday 8-15-16. Marshall Township has asked me to enforce there zoning ordinance. Please understand I was trying to work with you and not against you, nor do I wish to issue you a citation. There are neighbors around you that I also stopped at and talked to about possible concerns on their property. With that said the facts remain the same that you do have vehicles on your property that are in violation of the zoning ordinance. If you would like, you can call the township and I will be more than willing to come back to the property to talk to you?

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Sincerely,
Paul Anderson
Marshall Township, Code Enforcement Officer

MARSHALL TOWNSHIP
13551 Myron Avery Drive
Marshall, MI 49068
(269) 781-7976

October 06, 2016

BROWN DAVID'S AUTO COLLISION
13333 15 MILE RD
MARSHALL, MI 49068

Re: 13333 15 MILE RD / 16-272-015-00

Dear Property Owner,

An inspection at the above property was done. The following violation(s) of the township ordinance were found on the property.

It seems Mr. Brown we have reach an impasse. At the next inspection date October 24, 2016 The Township will issue a citation for the in-operational motor vehicles and the violation of the Township Parking Ordinance.

9-20-16 Mr. Brown enclosed you will find enclosed the Planning Commissions agenda, recommendations and meeting minutes. You will also find the Board Minutes that approve the conditional use permit for the property. I have also attach to this letter a copy of the townships parking ordnance, since there are vehicles that are parked on the grass.

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Paul Anderson
Marshall Township Code Enforcement Officer

MARSHALL TOWNSHIP
13551 Myron Avery Drive
Marshall, MI 49068
(269) 781-7976

October 31, 2016

BROWN DAVID'S AUTO COLLISION
13333 15 MILE RD
MARSHALL, MI 49068

Re: 13333 15 MILE RD / 16-272-015-00

Dear Property Owner,

An inspection at the above property was done. The following violation(s) of the township ordinance were found on the property.

Thank you for discussing the vehicles on your property and as we discussed the township will help with the remaining vehicles on your property. Please make sure that vehicles that do not have a valid plate on them are stored in your yard. As we discussed on the phone I did call Mr. Lake and asked him to call the township as of the date of this letter he has not. So if Mr. Lake has not contact you I would file the TR-52 paperwork to get the vehicle off the property. I will be contacting you again on November 14, 2016.

10-6-16 It seems Mr. Brown we have reach an impasse. At the next inspection date October 24, 2016 The Township will issue a citation for the in-operational motor vehicles and the violation of the Township Parking Ordinance.

9-20-16 Mr. Brown enclosed you will find enclosed the Planning Commissions agenda, recommendations and meeting minutes. You will also find the Board Minutes that approve the conditional use permit for the property. I have also attach to this letter a copy of the townships parking ordinance, since there are vehicles that are parked on the grass.

In "OC", "AB" and "AR" districts the use or occupancy of buildings, structures or lands is prohibited unless the following requirements are met and maintained:

- a. Off-street parking areas shall be drained so as to prevent drainage to abutting properties and shall be constructed of material which have a dust-free surface resistant to erosion.
- b. Off-street parking spaces shall not be closer than five feet to any property line, except where a wall, fence or compact planting strip exists as a parking barrier along the property line.
- c. Parking spaces for all types of vehicles and equipment may be provided either in garages, parking areas or driveways.
- d. Outdoor storage or overnight parking of a commercial vehicle over one ton capacity shall be permitted if such vehicle is necessary to the function of the premises and provided with a such vehicles(s) be parked entirely within a side or rear yard or enclosed within a structure.

8-17-16 I wanted to send you a letter today in regards to our conversation on Monday 8-15-16. Marshall Township has asked me to enforce there zoning ordinance. Please understand I was trying to work with you and not against you, nor do I wish to issue you a citation. There are neighbors around you that I also stopped at and talked to about possible concerns on their property. With that said the facts remain the same that you do have vehicles on your property that are in violation of the zoning ordinance. If you would like, you can call the township and I will be more than willing to come back to the property to talk to you?

Your Property is in violation of the storage of motor vehicles, Ordinance 1987-4.

No person, no firm or corporation shall park or store any dismantled, partially dismantled or inoperable motor vehicle in the township for more than 30 days. Vehicle must be able to operate under its own power and have a valid license displayed on the vehicle.

If you have any questions please contact the township.

Sincerely,

Paul Anderson, Marshall Township Code Enforcement Officer

MARSHALL TOWNSHIP
13551 Myron Avery Drive
Marshall, MI 49068
(269) 781-7976

December 13, 2016

BROWN DAVID'S AUTO COLLISION
13333 15 MILE RD
MARSHALL, MI 49068

Re: 13333 15 MILE RD / 16-272-015-00

Dear Mr. Brown,

Marshall Township has tried to work with you and not against you in getting your property in compliance with the Township Ordinance concerning in-operational motor vehicles. The township has called Mr. Lake the owner of the truck on your property trying to open a line of communication. In the last phone conversation with you, which was in mid-November you told the township that there had been no communication between you and Mr. Lake. At that time you said that you were going to call the local police department and start the process for a TR-52. The township offered to call for you and you refused. You were asked to call the township back when the TR-52 paperwork was submitted.

The township will check the on December 22, 2016 for compliance. If the truck is not removed from the property you will be issued a civil in fraction citation.

You have a copy of the conditional use permit for your property.

If you have any questions please contact the township.

Sincerely,

Paul Anderson
Marshall Township
Code Enforcement Officer

MARSHALL TOWNSHIP
13551 Myron Avery Drive
Marshall, MI 49068
(269) 781-7976

April 27, 2017

BROWN DAVID'S AUTO COLLISION
13333 15 MILE RD
MARSHALL, MI 49068

Re: 13333 15 MILE RD / 16-272-015-00

Dear Property Owner,

A property inspection was done at the above address.
The following violation(s) of the township ordinance were found on the property:

Mr. Brown- Your conditional use permit allows for storage of vehicles inside a building or a fenced in area. The trailer on the property will have to go into one of those areas or be removed from the property.

Your property is violation Nuance Ordinance 1997-4.
No person, firm or corporation shall permit any junk, debris, waste material, combustible material or miscellaneous unused, unsanitary or dangerous material or equipment or other source of filth or cause of sickness to accumulate in unreasonable or abnormal quantities in, on or adjoining the property owned or occupied beseech person, firm or corporation. A re-inspection has been scheduled on or about 14 days from the date of this letter.

If you have any questions, please contact the township. Thank you for your cooperation in this matter.

Sincerely,

Paul Anderson
Marshall Township
Zoning Administrator / Code Enforcement Officer

MARSHALL TOWNSHIP
13551 Myron Avery Drive
Marshall, MI 49068
(269) 781-7976

May 11, 2017

BROWN DAVID'S AUTO COLLISION
13333 15 MILE RD
MARSHALL, MI 49068

Re: 13333 15 MILE RD / 16-272-015-00

Dear Property Owner,

A property inspection was done at the above address.

The following violation(s) of the township ordinance were found on the property:

Mr. Brown - The township will issue a citation at the next inspection date 5-25-17 for violation of the zoning ordinance.

4-27-17 Mr. Brown- Your conditional use permit allows for storage of vehicles inside a building or a fenced in area. The trailer on the property will have to go into one of those areas or be removed from the property.

Your property is violation Nuance Ordinance 1997-4.

No person, firm or corporation shall permit any junk, debris, waste material, combustible material or miscellaneous unused, unsanitary or dangerous material or equipment or other source of filth or cause of sickness to accumulate in unreasonable or abnormal quantities in, on or adjoining the property owned or occupied by any person, firm or corporation. A re-inspection has been scheduled on or about 14 days from the date of this letter.

If you have any questions, please contact the township.

Sincerely,

Paul Anderson
Marshall Township
Zoning Administrator / Code Enforcement Officer

MARSHALL TOWNSHIP
13551 Myron Avery Drive
Marshall, MI 49068
(269) 781-7976

June 07, 2017

BROWN DAVID'S AUTO COLLISION
13333 15 MILE RD
MARSHALL, MI 49068

Re: 13333 15 MILE RD / 16-272-015-00

Mr. Brown,

This is a last ditch effort at trying to work with you, so you are in compliance with your last approved site plan October 7, 1997. I have been through the complete property address file checking to see if there were any other approved conditions that would allow you to operate in the current condition, there were not any other updates to the site plan since the planning commission approved it in October of 1997. The board approved the site plan on October 20, 1997, and the stipulations were:

- 1) 8' Solid Fence all the way around with solid gates
- 2) Gravel on storage area
- 3) Cement to control oil and antifreeze run off
- 4) The minute reflected no more cars stored outside.

The site plan shows 14 parking spots outside the fenced in area for customer parking, and parking for employee parking would be inside the fenced in area.

On 10/1/02 a separate site plan was approved for storage units and blacktop driveway completed within two years. There is no mention of allowed outside storage of vehicles. Looking at the photograph, it appears that the paving was not completed in the two-year period.

In closing, you will either have to modify the 1997 site plan, which would require sealed drawings and an application fee of \$475. Or you will have to comply with your approved site plan. That would require you to have vehicles parked in the 14 designated spots for customer with valid license plates displayed, or vehicles would have to be parked in the fenced in yard. If you fail to do either of you will be subject to a civil infraction citation for each of the violation on the property.

If you have any questions, please contact the township.

Sincerely,

Paul Anderson
Marshall Township
Zoning Administrator / Code Enforcement Officer

Paul Anderson

From: Paul Anderson <info@marshalltownship.org>
Sent: Monday, July 10, 2017 9:58 AM
To: 'schaefferlawoffices@gmail.com'
Cc: 'Roxanne Seeber'; 'Seth Koches'
Subject: David Brown's Collision
Attachments: Schaeffer Law Office Letter 6-30-17.pdf; Brown Auto Collision 6-7-17.pdf; Brown Auto Collision 5-11-17.pdf; Brown Auto Collision 4-27-17.pdf

Mr. Schaffer,

Attached is a copy of the letter the you sent the township. Also attached is the correspondence that I sent Mr. Brown that explains the township position about the violations. The only possibly issue was not clear in the letters is the is the in-operation motor vehicle storage. Mr. Brown has vehicles that are stored outside that do not have valid licenses plates on them, that is a violation of the ordinance.

Mr. Brown is aware of the ordinance (in-op) as there was another enforcement action in August 17, 2016, that dealt with the same issue.

Sincerely,

Paul Anderson

Marshall Township
Zoning Administrator
13551 Myron Avery Dr.
Marshall, MI 49068
(269) 781-7976 Fax (269) 781-4403
Email: info@marshalltownship.org
Hours 8AM to 3:30PM Mon~Thur

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Schaeffer Law Offices

J. Thomas Schaeffer, Attorney at Law

Aaron A. Bartell, Attorney at Law

206 S. Kalamazoo Avenue - Marshall, Michigan 49068-1582

Telephone: (269) 781-5193 - Fax: (269) 781-2157

Email: schaefferlawoffices@gmail.com

www.SchaefferLawOffices.com

June 30, 2017

Paul Anderson
Marshall Township
13551 Myron Avery Drive
Marshall, MI 49068

Re: David Brown's Auto Collision

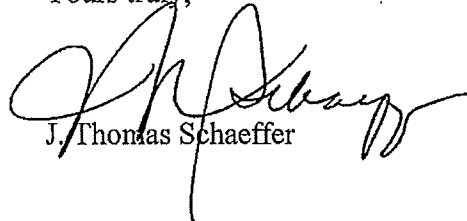
Dear Mr. Anderson:

Please be advised that this office represents David Brown's Auto Collision concerning certain tickets and letters that you have sent concerning various alleged violations of the Marshall Township Ordinances. Mr. Brown indicates that he has made an effort to comply with your request and is willing to do so. I have reviewed the Ordinances and do not exactly understand your position on some of these tickets.

However, Mr. Brown is making an effort to comply. Would you please advise at the present time what you exactly wish him to do to be in compliance based on your interpretation of the Ordinances?

Please respond at your earliest convenience.

Yours truly,


J. Thomas Schaeffer

/ct

Schaeffer Law Offices

J. Thomas Schaeffer, Attorney at Law

Aaron A. Bartell, Attorney at Law

206 S. Kalamazoo Avenue - Marshall, Michigan 49068-1582

Telephone: (269) 781-5193 - Fax: (269) 781-2157

Email: schaefferlawoffices@gmail.com

www.SchaefferLawOffices.com

August 9, 2017

Roxanne C. Seeber
458 W South Street
Kalamazoo, MI 49007

Re: David Brown

Dear Ms. Seeber;

In relation to the above matter, the following response is given to some of the questions that were proposed on 7/27/17 at the PreTrial. I have taken the liberty to send a copy of this letter to Paul Anderson since he was present at the meeting and supplied various pictures and concerns. The seven (7) pictures that were purportedly taken on 7/27/17 illustrating your concerns were reviewed by Mr. Brown and the following comments are made.

The first two (2) photos that appear to represent vehicles that are sitting at least on grassy areas, or partially on grassy areas, are work-in-progress that do not remain there for a very long period of time and are moved in and out as they are worked on and completed. Mr. Brown indicated that in previous conversations with Mr. Anderson that he was concerned about things that remained 30 days or more and were not worked on. Mr. Brown indicates that these are short stints in and out of the shop and back to their owners.

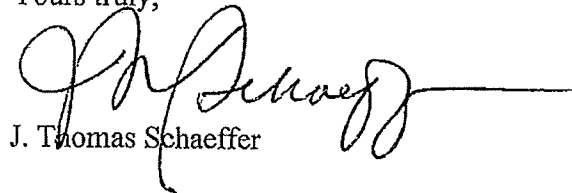
The second page contains two (2) pictures, one of which showed a dumpster with some debris behind that. Be advised that this debris is being cleaned up and periodically the collectors of metal and plastic products arrive and haul away this debris. The bottom picture showing two (2) cars in the distance, in a field, are not on Mr. Brown's property and do not belong to Mr. Brown. It is his understanding that they are on Dan McDonald's property.

The third set of pictures, two (2) pictures – one containing tires and the bottom one of some vehicles – we respond to as follows. The tires were new tires that are no longer there and are inside, were there for momentary process and did not remain there. The bottom picture of vehicles, it is uncertain what the concern is. They appear to be in proper parking areas, so I have no response to that.

The last page containing one (1) photograph of a truck with, it looks like a radiator missing, was a truck in work, was there momentarily, is no longer there, and has been inside being worked on.

Mr. Brown is making an effort to deal with all of these problems and I think that he has, if you have additional concerns, please advise.

Yours truly,

A handwritten signature in cursive script, appearing to read "J. Thomas Schaeffer", followed by a horizontal line extending to the right.

J. Thomas Schaeffer

Cc: Paul Anderson
David Brown

BAUCKHAM, SPARKS, THALL, SEEBER & KAUFMAN, P.C.

ATTORNEYS AT LAW

458 WEST SOUTH STREET
KALAMAZOO, MICHIGAN 49007-4621

TELEPHONE (269) 382-4500

FAX (269) 382-2040

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ROBERT E. THALL
ROXANNE C. SEEBER
CATHERINE P. KAUFMAN
DAVID M. REVORE
T. SETH KOCHES
LORI COATES HAY
FRANK MACHINK
ROBERT J. ROBINSON

JOHN H. BAUCKHAM
1923 – 2015

HARRY F. SMITH
1906 – 1972

OF COUNSEL
KENNETH C. SPARKS
MICHAEL D. SCHLACK

August 17, 2017

J. Thomas Schaeffer, Attorney at Law
206 S. Kalamazoo Avenue
Marshall, MI 49068-1582

RE: Marshall Township v. David Brown's Auto Collision

Dear Attorney Schaeffer:

This office is in receipt of your correspondence dated August 9, 2017 and is herein providing a response to it. Initially, I note that your client was charged with three ordinance violations in Marshall Township and that there are three cases pending and scheduled for second pretrial on August 30. They are:

Case No.	Violation
C171392	Nuisance Ordinance—junk and debris
C171393	Zoning—Violation of conditional use permit
C171394	Vehicle Storage and Repair

Addressing each situation separately, we first consider the “nuisance ordinance” violation. Your client was cited for leaving junk, debris and various cast-offs in and around the property. You indicate that all of these items have now been cleared and that “periodically the collectors of metal and plastic products arrive and haul away this debris”. The ordinance provides that “(n)o person, firm or corporation shall permit any junk, debris, waste material, combustible material or miscellaneous unused, unsanitary or dangerous material or equipment or other source of filth or cause of sickness to accumulate in unreasonable or abnormal quantities in, on or adjoining the property owned or occupied by such person, firm or corporation”. If your client does not wish to run afoul of the ordinance, the items being left or stored while awaiting the periodic recycling efforts of whomever may show up cannot be outside of the dumpster or a full-enclosed building.

In this regard, your client should either ensure that the items awaiting the collection and recycling efforts are not just “left out” for the scrap pickers. He is going to need to find an enclosed location for storage or put them directly into his waste bin. Leaving things to lie about outside of the dumpster will be seen as a violation of the nuisance ordinance. Therefore, while we are willing to believe that the items left or stored outside of the dumpster are not there as of the time of writing of your letter to us, we have no real confidence that similar items will not appear again unless a more long-term solution can be found.

The next issue is a violation of the conditional use permit for David Brown's collision. The Zoning Administrator has obtained all of the Township's zoning files as to this address and has previously shared his findings in writing with Mr. Brown. There is one conditional use permit (with attached site plan) and another separate site plan for a separate use on the property. They are:

David Brown's Collision. Automobile collision repair business. The October 20, 1997 special which was conditioned on "no more storage of cars outside" and adherence to the site plan which required:

- 8' solid fence all the way around with solid gates
- gravel on storage area
- cement to control oil and antifreeze run off
- 14 parking spots outside of the fenced-in area for customer parking
- employee parking inside of the fenced-in area.

Storage Units. Approved as separate site plan on 10-1-02.

- conditioned upon blacktop driveway to be completed within two years (by 10-1-04).¹

The township expects adherence to the conditional use permit's parameters, as well as to the two site plans for the property. Therefore, for the collision service your client must have the fence constructed and the fenced-in storage lot graveled. **Vehicles being stored for customers in anticipation of repair or while awaiting parts must be stored inside of the fence, on the graveled storage area. Employee vehicles must be stored inside of the fenced-in storage area while they are on the premises. The 14 paved parking spaces are for customers who stop by and/or who bring a car to be dropped off. They are not for vehicles that might be sitting around for a few weeks or months without licenses and without being used.**

Customer parking connotes that the customer is presently on-site. So, we would expect to see a car with damage possibly in one of the 14 parking spaces while a customer is waiting for an estimate; or we would expect to find a number of customers inside of the building matching the number of vehicles parked in the 14 parking spaces. Clearly this is not occurring, as several of the vehicles that have been parked or left on the pavement are unlicensed. Thus, they are not roadworthy for whatever reason and they cannot be just left outside on the pavement.

Storage of cars outside of the fenced area if they are not for "customers" either inside the building or for the temporary purpose of obtaining an estimate constitutes a violation of the site plan as well as violation of the special use provision requiring "no more storage of cars outside". As you are aware, violation of a municipal zoning ordinance constitutes a nuisance per se, subject to abatement by a court of competent jurisdiction. It is not our goal to put your client out of business, but frankly there have been enough Township resources and time devoted to spelling out exactly what needs to be done on this property.

If your client does not like the parameters of approval for the collision facility, his option is to go to the planning commission to amend the special use approval and to get a new site plan to the planning commission for review.

Attached please find an 8-8- photograph which shows the same white Ford truck with plow parked in the same location that it was nearly 6 weeks ago. It is on the grass. The second photograph from

¹ The paving is not completed and the township has not pursued that situation at this point.

8-8 shows at least three vehicles parked on the grass. There is no provision in the site plan for either site that allows parking on the grass. **Don't park on the grass or get the site plan amended to allow you to do it.**

As for the tires, they may be new, but they are in the same location that they were in at the prior pretrial. The site plan for "David Brown's Collision" does not contain a provision for the outdoor storage of vehicle parts. Therefore, have your client arrange to put them in the building or get the site plan amended to allow him to stack them outside of the building—or put them in a storage unit. If you have somehow located a provision of the site plan that would allow him to leave tires out-of-doors please provide it. Similarly if there is some provision that indicates that parking on the grass is allowed, we have not found it. If your client disagrees as to the zoning administrator's interpretation of the parameters of parking in this area, he has the option to appeal to the zoning board of appeals.

Finally the Township's Vehicle Storage provisions are contained in a separate "police power" ordinance, which applies to your client's property in addition to the rest of the township and regardless of the special use and site plan. This provision states "No person, no firm or corporation shall park or store any dismantled, partially dismantled or inoperable motor vehicle in the township for more than 30 days". Vehicles without plates are "inoperable". Thus, the outside-of-the fenced-in-area storage of unlicensed vehicles constitutes a violation of this Ordinance. As stated above, if they are "customer vehicles" they will be licensed as having been driven onto the property that day. If they are "awaiting repairs" they would also likely be licensed and they would need to be stored in the parking area.

In short, we find that your client may have made an effort to get the metal and trash removed from the dumpster area but we have no confidence that the situation will not recur without a long-term solution. Vehicles must be parked in accordance with the approved special use and site plans for the property. We would expect to see only customer vehicles and short-term parked vehicles in the 14 paved parking spaces, as all other vehicles would need to be placed behind the fence on the graveled parking area. Unlicensed and/or inoperable motor vehicles cannot be left or parked outside of the building unless within the fenced and graveled parking area.

The Township has been more than patient and has gone well above and beyond its normal enforcement activities at this point. If the situation cannot be permanently addressed in short order and prior to the next pretrial, we will simply move the matter to a formal hearing and request restitution of the Township's costs and attorney's fees.

Very truly yours,

**BAUCKHAM, SPARKS, THALL,
SEEBER & KAUFMAN PC**

Roxanne C. Seeber

RCS/rc

STATE OF MICHIGAN 10TH JUDICIAL DISTRICT	JUDGMENT Civil Infraction	CASE NO. C171393
---	--------------------------------------	---------------------

Court Address 161 E. Michigan Ave., Battle Creek, MI 49017

Court Telephone no. (269)969-6678

Civil infraction Zoning Ordinance violation

Infraction date: June 22, 2017

The State Twp. City Village of: Marshall

Statute Ordinance

Defendant's name and address
DAVID BROWN
14861 19 MILE ROAD
MARSHALL, MI 49068

Amount of judgment

Fine	\$	_____
Court Costs	\$	_____
JSA	\$	_____
Agency Costs	\$	_____
Total	\$	_____
<input type="checkbox"/> Bond forfeited	\$	_____
Balance due	\$	_____

IT IS THE JUDGMENT OF THE COURT THAT:

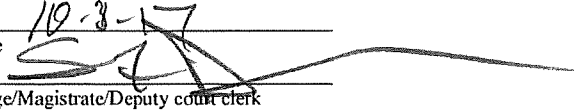
Defendant is responsible and admits responsibility: by mail in person/rep. _____
(signature)

Defendant is in default. The citation/complaint is sufficient to make a determination of responsibility.

Defendant is is not responsible (after hearing) as amended.

Other court orders: By no later than 30 days after the date of signing of this Order , the Defendant shall place his property at 14861 19 Mile Road (subject property) into compliance with the Township Zoning Ordinance and the conditional use permit granted by the Township Planning Commission by moving the trailer either inside of a building or into the area enclosed by a fence. If the Defendant fails or refuses to do so within the time frame provided, the township is permitted to enter the property; remove the offending items and properly dispose of the same. If the Township effectuates the removal, the Defendant shall reimburse the costs of such effort and the township is permitted to charge such costs against the property which is legally described as; MARSHALL TWP SEC 27 T2S R6W UNIVERSITY LOTS 31 & 32 N OF MC RR R/W EXC. BEG 765' N AND 440' W OF INTERSECTION OF E LN LOT 31 EXTENDED AND N LN OF CONS. RAIL CORP ROW TH W 110' TH S 200' TH W 50' TO W LN LOT 31 TH N 485' TH E 600' TH S 285' TH W TO BEG. ALSO EXC. BEG SE COR TH N 365' TH W 350' TH S 200' TH W 250' TH S TO N LI TH NELY TO BEG. ALSO EXC BEG 565' N OF SE COR TH W 550' TH N 200' TH E 550' TH S 200' by recording a copy of this order and proof of the payment of the costs thereof with the County Register of Deeds and may also charge the costs as if and in the same manner as a tax upon the real property.

JUDGMENT IS ENTERED

Date 10-3-17


Judge/Magistrate/Deputy court clerk

WARNING: Return this notice immediately with your certified check or money order. Fines, costs, and fees not paid within 56 days of the appearance date or other date owed are subject to a 20% late penalty on the amount owed.

NOTICE TO DEFENDANT: You may have a right to appeal or to set aside a default under court rule.

Consent to Entry

Defendant, by and through counsel hereby consents to the entry of the within judgment.

Date _____

Defendant/Attorney for Defendant.

Marshall Township, by and through counsel hereby consents to the entry of the within judgment.

Date _____

Roxanne C. Seeber, Attorney for Marshall Township

CERTIFICATE OF SERVICE

I certify that: ✓

- I have personally served a copy of this judgment on the defendant.
- I have served a copy of this judgment on the defendant by ordinary mail addressed to the address shown on the judgment, unless otherwise indicated.

Date 10/3/17

Kalley Roy
Clerk/Deputy court clerk/Magistrate

MARSHALL TOWNSHIP
13551 Myron Avery Drive
Marshall, MI 49068
(269) 781-7976

June 27, 2018

BROWN DAVID'S AUTO COLLISION
13333 15 MILE RD
MARSHALL, MI 49068

Re: 13333 15 MILE RD / 16-272-015-00

Dear Mr. Brown,

There was property inspection at the above address.
The following violation(s) of the township ordinance was found on the property:

Your Property is in violation of the storage of motor vehicles, Ordinance 1987-4.
No person, no firm or corporation shall park or store any dismantled, partially dismantled or inoperable motor vehicle in the township for more than 30 days. Vehicle must be able to operate under its own power and have a valid license displayed on the vehicle. Parking of vehicle on the grass.

You will have to comply with what you agreed to last year. The same violations have re-appeared on your property. The township is requiring you to have your property in complete compliance by the next inspection date. That date is July 12, 2018.

If you have any questions, please contact the township.

Sincerely,

Paul Anderson
Marshall Township
Zoning Administrator / Code Enforcement Officer

MARSHALL TOWNSHIP
13551 Myron Avery Drive
Marshall, MI 49068
(269) 781-7976

July 16, 2018

BROWN DAVID'S AUTO COLLISION
13333 15 MILE RD
MARSHALL, MI 49068

Re: 13333 15 MILE RD / 16-272-015-00

Dear Property Owner,

There was a property inspection at the above address.
The following violation(s) of the township ordinance was found on the property:

Mr. Brown thank you for your progress on the parking on the side of the property. There still a concern is the vehicles parked in the front lot that are not operational. The Township does understand that sometimes there is a need for vehicles to be parked on the front lot that is not operational so that insurance companies can pick them up, this parking must be temporary and should not exceed a reasonable time. The Trailer Blazer has been in the front of the property since the end of May 2018. So there is consistency the Township would not like to see any vehicles that are in an in-operational condition (by damage or missing a valid plate) stored outside of your fence in lot any longer than 14 days.

6-27-18 Your Property is in violation of the storage of motor vehicles, Ordinance 1987-4.
No person, no firm or corporation shall park or store any dismantled, partially dismantled or inoperable motor vehicle in the township for more than 30 days. Vehicle must be able to operate under its own power and have a valid license displayed on the vehicle. Parking of vehicle on the grass.

You will have to comply with what you agreed to last year. The same violations have re-appeared on your property. The township is requiring you to have your property in complete compliance by the next inspection date. That date is July 12, 2018.

If you have any questions, please contact the township.

Sincerely,

Paul Anderson
Marshall Township
Zoning Administrator / Code Enforcement Officer

MARSHALL TOWNSHIP
13551 Myron Avery Drive
Marshall, MI 49068
(269) 781-7976

August 06, 2018

BROWN DAVID'S AUTO COLLISION
13333 15 MILE RD
MARSHALL, MI 49068

Re: 13333 15 MILE RD / 16-272-015-00

Dear Property Owner,

There was property inspection at the above address.
The following violation(s) of the township ordinance was found on the property:

A citation was issued and placed on your property, enclosed is a copy of that citation. 10 District Court will contact you about a court date.

7-16-18 Mr. Brown thank you for your progress on the parking on the side of the property. There still a concern is the vehicles parked in the front lot that are not operational. The Township does understand that sometimes there is a need for vehicles to be parked on the front lot that is not operational so that insurance companies can pick them up, this parking must be temporary and should not exceed a reasonable time. The Trailer Blazer has been in the front of the property since the end of May 2018. So there is consistency the Township would not like to see any vehicles that are in an in-operational condition (by damage or missing a valid plate) stored outside of your fence in lot any longer than 14 days.

6-27-18 Your Property is in violation of the storage of motor vehicles, Ordinance 1987-4.
No person, no firm or corporation shall park or store any dismantled, partially dismantled or inoperable motor vehicle in the township for more than 30 days. Vehicle must be able to operate under its own power and have a valid license displayed on the vehicle. Parking of vehicle on the grass.

You will have to comply with what you agreed to last year. The same violations have re-appeared on your property. The township is requiring you to have your property in complete compliance by the next inspection date. That date is July 12, 2018.

If you have any questions, please contact the township.

Sincerely,

Paul Anderson
Marshall Township
Zoning Administrator / Code Enforcement Officer

C.I. MIS. JUV. **State of Michigan Uniform Law Citation** Ticket No. **2453** Victim Involved

Incident No. _____ Dept. No. _____

Local Use/Arrest No. _____ Offense Code _____

The People of: the State of Michigan Township City Village County BAC _____

OF: **MARSHALL** of

THE UNDERSIGNED Month Day Year At approximately A.M. P.M. Date Month Day Year

SAYS THAT ON: **8 6 18 730** of Birth **12 17 64**

State Oper./Chauff. CDL Driver License Number _____ SSN (last 4 digits) _____

Race _____ Sex _____ Height _____ Weight _____ Hair _____ Eyes _____ Occupation/Employer _____

Name (First, Middle, Last) **DAVID BROWN**

Street **14861 19 MILE RD**

City **MARSHALL** State **ME** Zip Code **49968**

Vehicle Plate No. _____ Year _____ State _____ Vehicle Description (Year, Make, Color) _____ Veh. Type _____

THE PERSON NAMED ABOVE, in violation of § **1987-4**

Local Ordinance State Law Administrative Rule

UPON **13333 15 MILE RD**

AT OR NEAR _____

WITHIN CITY VILLAGE TOWNSHIP OF **MARSHALL**

COUNTY OF _____ DID THE FOLLOWING

Nuisance Ordinance Building Code Speeding _____ MPH in a _____ MPH Zone (formerly _____ MPH Zone)

Licenses Ordinance Plumbing Code Electrical Code Disobey Traffic Signal

Zoning Ordinance Sign, Lighting & Display Ordinance Mechanical Code Disobey Stop Sign

Animal & Fowl Ordinance Defective Equipment No Operator's License in Possession

Other _____

Describe/Remarks: **VERTICAL STORAGE**

IN-OP

CHECK IF APPROPRIATE Damage to Property Local Court Bond \$ _____ C.I. MIS. JUV.

Vehicle Impounded Injury License Posted in Lieu of Bond

Traffic Crash Death Appearance Certificate

Person in Active Military Service Yes No None

SEE DATE BELOW. SEE BACK OF CITATION FOR EXPLANATION AND INSTRUCTIONS

Appearance Date on or before **COURT WILL NOTIFY**

Hearing Date (if applicable) on _____ Contact Court

Juvenile Traffic Misd. (Court will Notify) Formal Hearing Required. (Court will Notify)

In the _____ Court of _____

Court Address & Phone Number **161 MICHIGAN AVE**
BATTLE CREEK, ME
269-969-6666

I personally served a copy of the complaint upon the defendant.

I served a copy of the complaint upon the owner/occupant by posting and by sending a copy to the owner by first class mail at the last known address.

I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief.

Complainant's Signature and receipt if applicable **[Signature]** Month Day Year **8 6 18**

Officer's Name (printed) **PAUL ANDERSON** Officer's ID No. **012**

Agency ORI _____ Agency Name _____

Violation for Which Court May Waive Fine/Costs: Correct the violation. Present the citation to any law enforcement officer to certify the correction. Mail or bring the citation to the court clerk at the address shown above before your appearance or hearing date.

OFFICER CERTIFICATION I certify that the violation described above has been corrected.

Officer's Signature _____ Officer's ID No. _____ Date _____

Agency ORI _____ Agency Name _____

Ticket **2453** Name _____ Case No. _____

MARSHALL TOWNSHIP
13551 Myron Avery Drive
Marshall, MI 49068
(269) 781-7976

June 04, 2020

BROWN DAVID'S AUTO COLLISION
13333 15 MILE RD
MARSHALL, MI 49068

Re: 13333 15 MILE RD / 16-272-015-00

Dear Property Owner,

I am sending this letter to remind the business owners on 15 Mile Road of the requirements of the Zoning Ordinances. The Township is not implying that your property has all the items that are in this letter, but the Township is asking that you take a look at your property and make sure that you are in compliance with the ordinances.

- 1) No vehicles are allowed to be parked on a non-finished surface (finished surfaces are asphalt, concrete, gravel if allowed by the Zoning Board of Appeals). Parking would be allowed in a non-finished surface temporarily for 96 hours or less. Any greater than 96 hours would have to be approved by the Zoning Administrator, prior too.
- 2) No in-operational vehicles would be allowed to be stored outside of the storage yard (vehicles without valid plates or unable to operate under its own power). If they are stored outside the yard, 96 hours will apply.
- 3) No blight visible on the property.

If you have any questions, please contact the township.

Sincerely,

Paul Anderson
Marshall Township
Zoning Administrator / Code Enforcement Officer

MARSHALL TOWNSHIP
13551 Myron Avery Drive
Marshall, MI 49068
(269) 781-7976

June 18, 2020

BROWN DAVID'S AUTO COLLISION
13333 15 MILE RD
MARSHALL, MI 49068

Re: 13333 15 MILE RD / 16-272-015-00

Dear Mr. Brown,

Article 9-2 General Parking and Loading

Article 9-2 D2. Passenger Vehicles. Passenger vehicle parking on residential lots is restricted to driveways, attached driveway pad, or in a garage or storage building.
Driveway Surface. Driveways and drive aisles shall be surfaced with asphalt, concrete, or similar material to provide a durable and dustless surface.

Section 4 Paragraph C. The storage of "junk, trash, rubbish or refuse of any kind" outside of a completely enclosed building in any area

This could also be considered a violation of your site plan.

A follow-up inspection will take place approximately 14 days from the date of this letter. At that inspection, you could be issued a civil infraction citation for each offense.

If you have any questions, please contact the township.

Sincerely,

Paul Anderson
Marshall Township
Zoning Administrator / Code Enforcement Officer

MARSHALL TOWNSHIP
13551 Myron Avery Drive
Marshall, MI 49068
(269) 781-7976

July 02, 2020

BROWN DAVID'S AUTO COLLISION
13333 15 MILE RD
MARSHALL, MI 49068

Re: 13333 15 MILE RD / 16-272-015-00

Dear Property Owner,

There was property inspection at the above address.
The following violation(s) of the township ordinance was found on the property:

Next Step Citations.

If you have any questions, please contact the township.

Sincerely,

Paul Anderson
Marshall Township
Zoning Administrator / Code Enforcement Officer

types thereof, and their relationship to access drives, parking lots and the management of stormwater on site.

SECTION 10.05 Posting of Notice of Public Hearing

Upon receipt of an application for a conditional use permit, which requires a decision of discretionary grounds, one (1) notice that application for conditional use permit has been received shall be published in a newspaper which circulates in the township, and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet. The notice shall be given not less than 5 nor more than 15 days before the date of application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, then one (1) occupant of each unit or spatial area shall receive a notice. In the case of a single structure containing more than 4 dwelling units or other distinct spatial area owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall:

- A. Describe the nature of the application for the conditional use permit.
- B. Indicate the property that is the subject of the application for the conditional use permit.
- C. State when and where the application for the conditional use permit will be considered.
- D. Indicate when and where written comments will be received concerning the application.
- E. Indicate that a public hearing on the application for the conditional use permit may be requested by any property owner or the occupant of any structure located within 300 feet of the boundary of the property being considered for a conditional use permit.

SECTION 10.06 Findings by the Township Planning Commission

The Township Planning Commission, following the public hearing called for above, shall review the particular circumstances and facts of each application, and shall record adequate data, information and evidence, based upon the data, exhibits and information supplied by the

applicant. , with respect to each item set forth in the general standards, outlined in Section 10.06, and the specific standards for those uses outlined in Section 10.07(b). The Planning Commission shall submit its report thereof to the Township Board together with its recommendation for the issuance or denial of a Conditional Use Permit and if a recommendation of the issuance of a Conditional Use Permit is made, the specific terms and conditions which must be complied with by the owner of the property.

No Conditional Use Permit shall be issued unless based upon the report supplied by the Planning Commission, the Township Board shall determine that:

- A. The parcel will, according to the plans and specifications, data, exhibits and information supplied to the Planning Commission by the applicant, meet the specific requirements and regulations as set forth in the Ordinance applicable to said Conditional Use in the zoning district in which said use is to be located and shall be lawful under all Federal, State and Local laws, Ordinances and Regulations applicable thereto.
- B. The property will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures and refuse disposal, or that the persons who will own or operate the property shall be able to adequately provide any service on a non-public basis. In this regard, the plans and specifications for which a Conditional Use Permit has been applied for may be submitted by the Township Planning Commission to the Township police and fire department and to the Calhoun County Health Department with a request for a written determination that the building or development will comply with applicable standards for approval.
- C. The parcel will not be hazardous or disturbing to existing or future neighborhood use.
- D. The property will not create excessive additional requirements at public cost or public facilities and services.
- E. The property will be harmonious with and in accordance with the general objectives or with specific objectives of the Township Master Plan then in effect.
- F. The property will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such conditional use will not change the essential character of the general vicinity.
- G. The property will be a substantial improvement to property in the immediate vicinity and to the community as a whole.

- H. The property will not involve uses, activities, processes, materials, and equipment and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive traffic, noise, smoke, fumes, glare or odors.

SECTION 10.07 Compliance with Conditions, Limitations, and Requirements - Grounds for Revocation

In issuing a Conditional Use Permit, the Township Board may require a surety or cash bond to be furnished by the owner to insure compliance with the provisions of this Ordinance applicable thereto and with the specific terms, conditions or limitations of the conditional use permit issued by the Township Board. The amount of said compliance bond shall be determined by the Township Board.

SECTION 10.07A Conditions, Limitations, Requirements and Safeguards

The Township Planning Commission may recommend and the Township Board may impose such additional conditions, limitations, requirements and safeguards deemed necessary for the protection of the general welfare of the Township and for the protection of the individual property owners in the vicinity and to insure that the intent and objectives of this Ordinance will be observed.

The issuance of a Conditional Use Permit by the Township Board shall entitle the owner to operate the conditional use so long as he/she remains in compliance with the terms and conditions of this Ordinance and the terms, conditions, limitations, requirements and safeguards set forth in the Conditional Use Permit. If such a Conditional Use Permit is granted it does expressly grant to the Township the power and authority to enter upon the premises at any reasonable time for the purpose of inspection and enforcement of the terms of this Ordinance or of the terms of the Conditional Use Permit.

In the event the owner or occupant of the property for which a Conditional Use Permit has been issued violates any provision of this Ordinance or any term, condition, limitation, regulation or safeguard contained in the Conditional Use Permit, the Conditional Use Permit may be revoked and become null and void and the owner or occupant shall be deemed to be in violation of this Ordinance. In addition to all other remedies provided herein, in the event that such Conditional Use Permit shall become null and void, the compliance bond, if any, given by the owner under the provisions of this Ordinance shall be forfeited.

SECTION 10.07B Specific Conditions for Conditional Uses and General Standards and Requirements for Specific Permitted Uses

In addition to the general standards outlined in Section 10.06, each conditional use shall comply

PETITION FOR ISSUANCE
OF CONDITIONAL USE PERMIT


Now comes **DAVID BROWN**, the owner of the hereinafter described premises, and hereby petitions the Township Board to issue a Conditional Use Permit allowing the exterior commercial storage of motor vehicles and equipment, per Section 18.03(n) of the Marshall Township Zoning Board Ordinance, at his existing facility at 13333 15 Mile Road. The legal description of the property is attached hereto per Schedule A.

The purpose of the request is to enable the Petitioner to legitimize his existing use of the premises and also be in conjunction with a proposed expansion, the details of which are set forth in the formal site plan to be filed with the Planning Commission.

The general area is commercial and light industrial is use, and close to the I-69 and West Michigan Avenue interchange. The guideline of the Marshall Township Master Plan suggests this area as appropriate for the proposed use.

WHEREFORE, your Petitioners respectfully request said issuance of a Conditional Use Permit in order to provide for the requisite use.


Dated: September 19, 1997



David Brown

STATE OF MICHIGAN)
) SS.
COUNTY OF CALHOUN)

On this 19th day of September, 1997, before me, a Notary Public, in and for said County, personally appeared **David Brown** to me known to be the same person described in and who executed the within instrument, who acknowledged the same to be his free act and deed.



John A. Kendall, Notary Public
Calhoun County, Michigan
My Commission Expires: 08-01-00

Prepared in the Offices of:
Schroeder, DeGraw, Kendall,
Mayhall, DeGraw & Dickerson
By: John A. Kendall
203 East Michigan Avenue
Marshall, Michigan 49068

10/7/97

Recommended with conditions

- ① 8' high fence w/gates by 11-15-97
- ② Gravel on Storage area by 11-15-97
- ③ Cement to control oil & antifreeze run off by 11-15-98

8 yes votes

PETITION FOR ISSUANCE
OF CONDITIONAL USE PERMIT

SCHEDULE A
LEGAL DESCRIPTION

Lot Number 31 and all that part of Lot 32 which lies North of the Michigan Central Railroad on Section 27, as the same is laid out by the Superintendent of Public Instruction of the State of Michigan, and recorded in the Office of the Register of Deeds for Calhoun County, Michigan. All in Town 2 South, Range 6 West, Township of Marshall, County of Calhoun and State of Michigan.

EXCEPT: Commencing at the point where the East line of that part of Lot 32 which lies North of the Michigan Central Railroad on Section 27, as the same is laid out by the Superintendent of Public Instruction of the State of Michigan, and recorded in the Office of the Register of Deeds for Calhoun County, Michigan, intersects with the northernmost line of said railroad right-of-way and proceeding thence North along the East line of Lot 32 for 165 feet; thence West 600 feet to the West line of Lot 32; thence South along the West line of Lot 32 to the point where it intersects with the northernmost line of said railroad right-of-way; thence Northeasterly along the northernmost line of said right-of-way to the place of beginning. EXCEPTING and reserving from the same the right to conduct the waters of Bear Creek through race as the same has been heretofore conducted through said land perpetually, and also the right to enter upon and occupy said premises at all times for the purposes of making repairs of said race, and for such repairs to take whatever earth contiguous thereto as may be necessary for the same, and also the right to make such repairs as may be deemed necessary to preserve said race in good condition and prevent accident and damage to the land. Subject to easement to Consumers Power Company and all other easements and restrictions of record. All in Town 2 South, Range 6 West, Township of Marshall, County of Calhoun and State of Michigan.

ALSO EXCEPTING: The North 150 feet of Lot 31 in Section 27, Town 2 South, Range 6 West, Marshall Township, Calhoun County, Michigan, as the same is laid out by the Superintendent of Public Instruction of the State of Michigan, and recorded in the Office of the Register of Deeds for Calhoun County, Michigan.

ALSO EXCEPTING: That part of Lot 31 in Section 27, Town 2 South, Range 6 West, Marshall Township, Calhoun County, Michigan, as the same is laid out by the Superintendent of Public Instruction of the State of Michigan, and recorded in the Office of the Register of Deeds for Calhoun County, Michigan, described as: Beginning at a point on the East line of said Lot 31 which lies North 765.00 feet from the intersection of the Southerly extension of said East line with the North right-of-way line of The Consolidated Rail Corporation Railroad, (formerly Michigan

Central Railroad), thence West at right angles to said East line of Lot 31, a distance of 550.00 feet; thence South, parallel with said East line, 200.00 feet; thence West to the centerline of Bear Creek and the West line of said Lot 31; thence Northerly along said West line of Lot 31, 335 feet, more or less, to the South line of the North 150 feet of said Lot 31; thence Easterly along said South line 600 feet, more or less, to said East line of Lot 31; thence South along said East line, 135 feet, more or less, to the place of beginning. Subject to the rights of the public and of any governmental unit in any part thereof taken, used or deeded for street, road or highway purposes.

ALSO EXCEPTING: That part of Lot 31 in Section 27, TWS, RAW, as the same is laid out by the Superintendent of Public Instruction of the State of Michigan, and recorded in the Office of the Register of Deeds for Calhoun County, Michigan. Described as beginning at a point on the East line of said Lot 31, which lies North 565.00 feet from the intersection of the Southerly Extension of said East line with the North right-of-way line of the Consolidated Rail Corporation Railroad (formerly Michigan Central Railroad); thence West 550.00 feet; thence North 200.00 feet; thence East 550.00 feet to the East line of said Lot 31; thence South along said East line of Lot 31 a distance of 200.00 feet to the place of beginning.

Subject to easement over East 33.00 feet thereof for public highway purposes.

ALSO EXCEPTING: That part of Lots No. 31 and 32 of Section 27, Town 2 South, Range 6 West, as the same is laid out by the Superintendent of Public Instruction of the State of Michigan and recorded in the Office of the Register of Deeds for Calhoun County, Michigan, described as:

Beginning at a point on the East line of said Lot 32 which lies North 165.0 feet from the intersection of said East line with the North right-of-way line of the Consolidated Rail Corporation Railroad (formerly Michigan Central Railroad); thence North along said East line of Lot 32 and the East line of said Lot 31, a distance of 200.00 feet; thence West 350.00 feet; thence South 200.00 feet; thence East 350.00 feet to the place of beginning.

Marshall Township, Calhoun County, Michigan

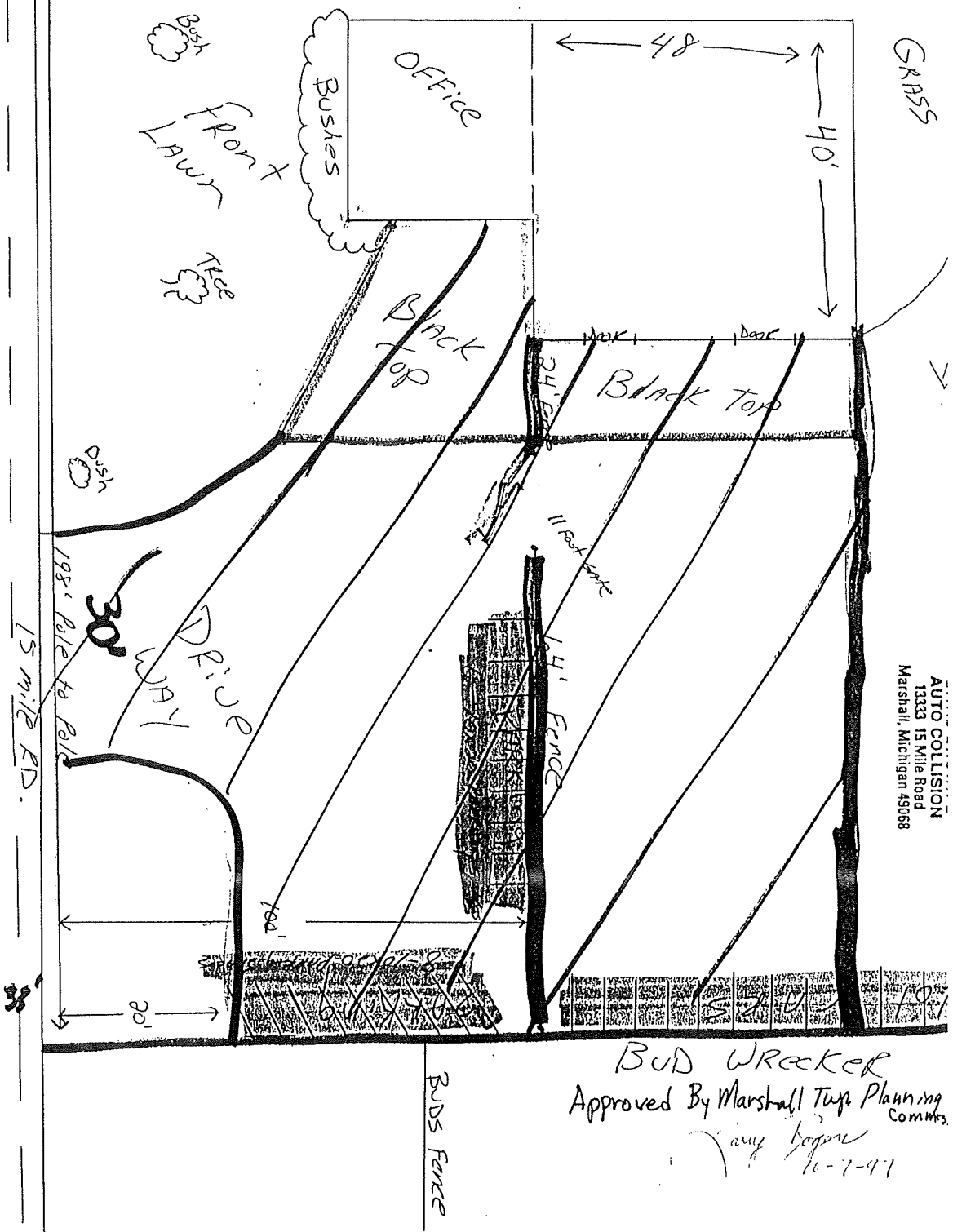
Tax Roll No. 13-16-272-015-00

GRASS



BACK DRIVE way

GRASS



GRASS

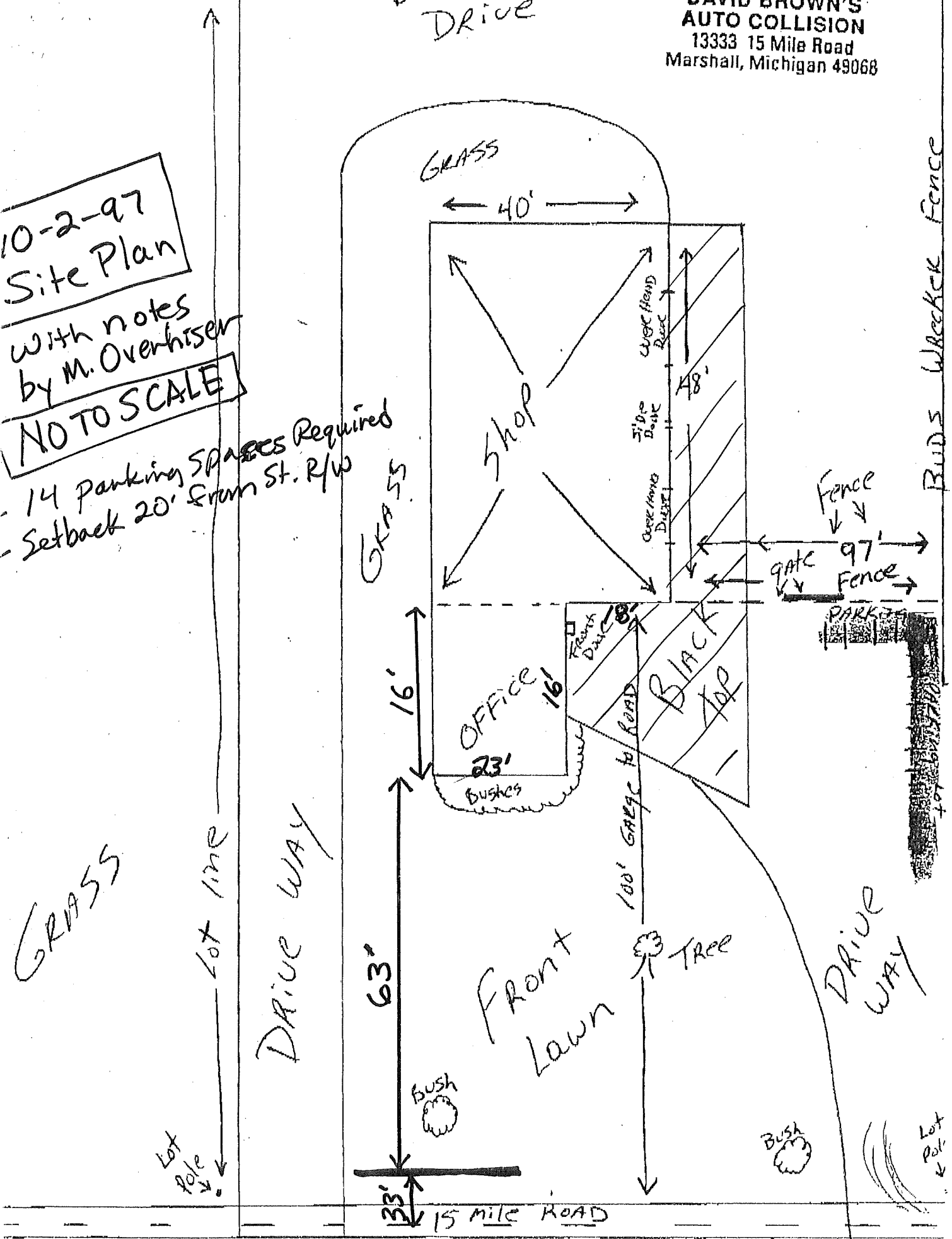
AUTO COLLISION
13333 15 Mile Road
Marshall, Michigan 49068

BUD WRECKER
Approved By Marshall Twp Planning
Comms.
Larry Boggs
10-7-97

DAVID BROWN'S
AUTO COLLISION
13333 15 Mile Road
Marshall, Michigan 49068

10-2-97
Site Plan
with notes
by M. Overhiser
NO TO SCALE

- 14 parking SPACES Required
- Setback 20' from St. R/W



MARTIN W. OVERHISER, AICP, PCP

PROFESSIONAL COMMUNITY PLANNER

332 Division Street

Marshall, MI 49068-1134

Tel: (616) 781-2665

FAX: (616) 781-4525

October 2, 1997

TO: Marshall Township Planning Commission

FROM: Martin Overhiser, Planning Consultant

SUBJECT: Staff Report for October 7 Agenda items

The first four items on the agenda are Conditional Use Permit (CUP) request. The Planning Commission is to review each request based on the general standards in Section 10.07 and make a recommendation to the Township Board. Conditions and limitations can be imposed and a surety or cash bond May be required to ensure compliance. Site Plan drawings are required but have not yet all been received. They may be presented or revised at the meeting.

After Township Board approval of the CUPs the Zoning Administrator will be responsible for seeing that the conditions are met. It must be remembered that the Permits go with the land so future owners of the parcel can continue the authorized use. In the petition comments below I have underlined items that could be added as conditions of approval.

The following is a brief summary of the CUP review standards in Section 10.07:

- A. Must meet the Township Zoning requirements, State laws and federal laws.
- B. Must be adequately served with essential public facilities and services and meet Township fire and County Health Department standards.
- C. The parcel (and use) will not be hazardous or disturbing to existing or future neighborhood uses.
- D. Property will not create excessive additional requirements at public cost for public facilities and services.
- E. The property (and use) will be harmonious with the objectives of the Township Land Use Plan.
- F. The property (and use) will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.
- G. The property (and use) will be a substantial improvement to property in the immediate vicinity and to the community as a whole.
- H. The property (and use) will not generate excessive traffic, noise, smoke, fumes, glare or odors.

930
OK
KUP

1. Parker - This request is for an agri-business (agricultural equipment/implement sales, maintenance and repair) in and around an existing building on a portion of the Parker farm at 14917 J Drive North. The area is zoned "AA" Agricultural and under Section 11.03(m) agri-business is a permitted conditional use. The parcel on which the CUP is being requested is 350' by 250' (2 acres) and is located 692' West of the 15 Mile Road center line on the North side of J Drive North. A Site Plan Drawing has not yet been received. Section 9.02(D) requires that the storage or overnight parking of commercial vehicles over 1 ton capacity shall not be parked in the required front yard area. In this District a 60' (93' from center line) front yard setback is required. The use is one that is harmonious with the area and will not be detrimental to neighboring uses if the outside storage of vehicles is controlled.

0
1000
Old
Opinion

2. Belcher - This request is for a CUP to allow the sale of used motor vehicles under section 17.03(k) at 14998 Old US 27 North. They will not be establishing a used car lot but only selling cars at an occasional auction. The approval should be restricted to no more than 3 cars being displayed outside at any one time. The property was rezoned from Highway Commercial to "CS" Community Service Commercial this past year. The general CUP conditions listed above need to be met and the standards of the "CS" district. The front setback in this district is 35'. The street right of way on Old 27 is 100'. So buildings must be setback 85' from the center line of the street. All buildings exceed this setback. Parking areas are to be setback 20' from the street right of way per section 17.04(G-2) and be constructed of materials which have a dust-free surface. The parking lots are setback more than 20' but are not paved.

2
3
Any Variance
Call for Approval

Signs must be setback 12' or on this site 62' from the center line. One free-standing identification sign is permitted not to exceed 80 square feet in total area. The south sign is 9'x8' double faced and is 144 square feet in area. It is located within the street right of way, 40' off the center line. A second sign is located on the northwest corner of the site. It is single faced and on the right of way line. The sign on the building is conforming to the zoning standards. It can be one square foot of area for each foot of length of the wall to which it is affixed. One freestanding sign should be removed, the remaining sign moved to be no closer than 12' from the right of way, and the sign area be reduced to 80 square feet in area. Requiring that signs and parking be brought into compliance with zoning standards, when site plan or conditional use approvals are being requested, will help improve the appearance of major corridors in the Township. This is the policy of the Township Board. A site plan was not submitted by this petitioner because they are not proposing any changes to the site.

3. Brown - This is a request for a CUP for the exterior commercial storage of motor vehicles and equipment under Section 18.03(n) at 13333 15 Mile Road. Commission makes a recommendation to the Township Board on the CUP and approves a Site Plan. The parcel is zoned "LI" Light Industrial. Buildings must setback 85' from the Street right of way, or 118' from the center line. The existing building is 96' from the center line. A variance may have been granted. Parking is to be off the right of way 20' and signs 29' (1/3 x 85'). Freestanding signs can be 80 square feet in area and building signs one square foot for each foot of building width.

The Site Plan drawing attached is incomplete. The petitioner has been requested to prepare a more detailed plan. The drawing shows a solid fence with gate to be added between the northeast corner of the main building and the solid fence on the south side of Bud's Towing. The exterior storage area is to be fenced and the view obscured from the street. A customer parking area will be added along the north property line and the new fence. This is a 2 bay service facility so 14 parking spaces are required. Spaces are to be 10' by 20'. Petitioner has stated he will put 12 paved spaces in front and employee and storage spaces in back of the new solid fence. The customer parking area in front will need to be paved and setback 20' from the street right of way.

4. Apostolic Christian Fellowship Church - This request is for a CUP to allow a Church on a 10-acre parcel under Section 12.03(b) in the 14000 block of Verona Road (on the North side). A Site Plan drawing was submitted but it doesn't contain adequate information to determine if the zoning standards have been met. In this case a detailed Site Plan would help determine the future impact on the surrounding area. Commission may want to consider tabling this request until more information is received. The petitioner has been advised of these comments. Commission makes a CUP recommendation to the Township Board and must approve a Site Plan.

5. Marshall Internal Medicine - This request is a Site Plan for an addition to the existing office building at 14900 Old US 27 at F Drive North. The existing two floor building contains 6,888 square feet of floor area. A one story addition of 3,780 square feet is proposed to the north. For the total 10,668 square feet of floor area and 30 employees, 84 parking spaces are required. The Plan contains 89 spaces. All parking areas are paved and drainage flows to the east and is contained on site.

The existing sign is to close to the Street right of way. It is only set back 8' and a 12' set back is required. Current zoning of the parcel is "HS" Highway Commercial District based on the maps I have reviewed. Under this zoning an office use is not permitted. The Planning Commission should start a process to rezone this parcel to "CS" to match the "CS" zoning to the north. Offices are permitted in the "CS" district.

Commission makes a CUP recommendation to the Township Board and gives final approval to the Site Plan.

6. Growth Management Policy - Commission members, bring your copy of the last draft and if times permits this could be adopted as a policy of the Commission.

7. Subdivision Regulation Ordinance - One has been found by the Clerk. Was it ever adopted or used? Does the Township need such an Ordinance?

8. Other - Commission could assign a subcommittee to draft set of bylaw for the Planning Commission. This was discussed at the training session.

was
discussed
at
training

Adopt. Yes / used?

AGENDA

MARSHALL TOWNSHIP PLANNING COMMISSION

Township Hall, 13551 15 Mile Road

7:00 P. M., Tuesday, October 7, 1997

- **ROLL CALL**
- **APPROVAL OF MINUTES**
- **AUDIENCE COMMENTS REGARDING ITEMS NOT ON THE AGENDA**
- **NEW BUSINESS**

1. Public Hearing and Action: **Parker request for a Conditional use Permit to allow an agri-business under section 11.03(m) in an existing building at 14197 J Drive North. Commission makes a recommendation to the Township Board.**

2. Public Hearing and Action: **Belcher request for a Conditional Use Permit to allow the sale of used motor vehicles under section 17.03(k) at 14998 Old US 27 North. Commission makes a recommendation to the Township Board.**

3. Public Hearing and Action: **David Brown request for a Conditional Use Permit for the exterior commercial storage of motor vehicles and equipment under Section 18.03(n) at 13333 15 Mile Road (south of Bud's Towing). Commission makes a recommendation to the Township Board and must approve a Site Plan.**

4. Public Hearing and Action: **Apostolic Christian Fellowship Church request for a Conditional Use Permit to allow a Church on a 10 acre parcel under Section 12.03(b) in the 14000 block of Verona Road (on the North side). Commission makes a recommendation to the Township Board and must approve a Site Plan.**

5. **Marshall Internal Medicine Site Plan for an office addition to the existing office building at 14900 Old US 27 at F Drive North. Planning Commission takes final action.**

6. Discuss Draft **Growth Management Policy**

7. Discuss **Subdivision Regulation Ordinance** found by Clerk. Was it ever adopted? Used?

8. Other

- **OTHER BUSINESS**
- **ADJOURN**

Commission Members should call Charles Parker (781-2510) if unable to attend. Next regular meeting is 7:00 P.M., Tuesday, November 4, 1997.

9-30-97/MWO

all Township
Planning Commission Meeting
Oct. 7, 1997, 7:00 P.M.

Meeting call to order by L. Rogers

Present: L. Rogers, G. Hamaker, R. Winters, D. Mikesell, V. Potter, P. Kiessling,
M. O'Connell, C. Parker.

Absent: D. Bosserd

Also present: J. Kendall, Township Atty. And M. Overhiser, Township Planning
Consultant.

Motion: to accept minutes from Sept 2, 1997, meeting by D. Mikesell. 2nd
Hamaker.

Motion carried

Public hearing opened on Parker Farms conditional use permit request for agri-
business by acting chairman L. Rogers. Existing building at 14197 J. Dr. N. being
used as agri-business. Permit request is for 2 acres only not whole farm.
Equipment is stored in back and west of building.
Public hearing closed.

Motion: to recommend granting this conditional use permit to Parker Farms by D.
Mikesell. 2nd Potter.

Standards for granting a conditional use permit read.

Motion carried with C. Parker abstaining.

Public hearing opened on Brown conditional use permit for outside storage of
motor vehicles and equipment at 13333 15 Mile Road by L. Rogers. Letter from
Mumaw's and Livingston's stating concern for run-off and requesting barrier
fence and letter from DNR stating the storage of vehicles and land movement is
OK.

Public hearing closed.

Motion: to recommend the Brown conditional use permit for outside storage of
vehicles with the following conditions:

- 1) 8' high solid fence all the way around with gates by Nov. 15, 1997.
- 2) Gravel on storage area by Nov. 15, 1997.

3) Cement to control oil and anti freeze run-off by Nov. 15, 1998.
By C. Parker. 2nd R. Winter.
Standards for conditional use were read.
Motion carried.

Motion: to have site plan updated and approved for Browns before any construction is started by C. Parker. 2nd D. Mikesell.
Motion carried.

Public hearing opened on Belcher request for conditional use permit for the selling of cars at 14998 Old US 27 by L. Rogers. Nonconforming signs, class B license and number of cars discussed.
Public hearing closed.

Motion: to recommend Belcher conditional use permit with the following conditions:

- 1) Move nonconforming sign by Oct. 1998.
- 2) Remove another nonconforming sign by Oct. 1998.
- 3) Outside storage for twenty-five cars only. Each must have parking place.
- 4) Only cars for auction and allowed 14 days of parking.
- 5) Class B license.

by V. Potter. 2nd C. Parker.
Standards for conditional use read.
Motion carried.

Public hearing opened on Apostolic Church by L. Rogers. Wes from church passed out rough site plan and explained what the congregation has planned.
Several neighbors asked about problems:

- 1) drainage to Hazzard's from parking lot.
- 2) drawing did not show parsonage and baseball field Rev. Hackworth mentioned to them.
- 3) screen between church and adjoining properties.
- 4) supervision of children with special concern for nearby pool.
- 5) blind spots for cars entering traffic on Verona.

Wes answered each concern.
Public hearing closed.

Motion: to recommend the conditional use permit for The Apostolic Christian Fellowship Church with conditions:

- 1) construct 110' X 36' church building
- 2) parking area
- 3) no house allowed

Motion: to approve the Brown Conditional Use Permit with conditions stipulated by the Planning Commission recommendation

- 1) 8' high fence with gates by 11-15-97.
- 2) Gravel on storage area by 11-15-97.
- 3) Cement to control oil and antifreeze runoff by 11-15-98.

By Quinn. 2nd Avery. Standards reviewed above.

Roll call: Quinn, Albaugh, Sink, Hamaker, Avery Yes.

Motion carried. 10-97-04

Motion: to approve the Parker Conditional Use Permit by Albaugh. 2nd Quinn. Standards reviewed above.

Roll Call: Albaugh, Sink, Hamaker, Avery, Quinn, Yes.

Motion carried. 10-97-05

Motion: to approve the

- 1) Sept. 97 Board Meeting Minutes
- 2) Building Report
- 3) Fire Run Report
- 4) Treasurers Report
- 5) Payroll of \$6317.27
- 6) Outstanding Bills of \$ 27197.44
- 7) Fire Chiefs Report
- 8) Blight Ordinance
- 9) Change in Standard Streetlighting Contract with Consumers Energy pending request for Special Streetlighting District from F. Boley and payment of \$3294.50 for installation.
- 10) Planning Commission to review Ordinance Section 6.08 change.
- 11) Budget hearing for Nov.- Treasurer, Supervisor
Dec.- Clerk
Jan.- Fire Dept.
- 12) letter CCDC concerning dust barrier in Ceresco/Kiessling.
- 13) table requesting insurance withhold 15% of payment for clean up.
- 14) Township Hall Assistant

by Sink. 2nd Quinn.

Roll Call: Sink, Hamaker, Avery, Quinn, Albaugh, Yes.

Motion Carried. 10-97-06

Motion: to adjourn at 8:35 p.m. by Sink. 2nd Albaugh.

Quinn had several comments concerning the conduct of the Township Attorney at a Public Hearing. Mr. Kendall repeatedly called the citizens attending the "peanut gallery". Also if an applicant is not present his application should be tabled. The missing person should not be called to come to the meeting.

BUSINESS	CONDITIONS	NOTES
KENT'S	NO PAPERWORK	
BUD'S	<p>7-28-87 Approved</p> <p>*7-18-88 Extension Granted</p> <ol style="list-style-type: none"> 1. 3 month limitation for completion of bldg. and fenced-in area 2. Sheet metal, opaque, 8' fence with color & design to compliment bldg. 3. 95' setback from 15 Mile Rd. 4. 175' buffer zone from westerly line to west side of bldg. 5. Front drive and enclosed lot to be of crushed stone 6. No exterior storage outside of fenced area and no stacking of vehicles. 7. School buses to be removed within 6 mos. 	<p>5 cars parked outside fence, with and w/out plates. Also misc. parts for campers and misc junk cars</p>
BROWNS	<p>10/7/97 cup & Site plan approved (Pl Cm)</p> <p>10/20/97 Bd. Approved CUP for outside storage of motor vehicles and equipment.</p> <ol style="list-style-type: none"> 1. 8' solid fence all the way around with gates by 11/15/97 2. Gravel on storage area by 11/15/97 3. Cement to control oil and antifreeze runoff by 11/15/98 4. Written minutes state: "No more cars stored outside fenced-in area. <p>Site plan notes 14 parking spaces required; Also setback 20' from right-of-way</p> <p>10/1/02 Site plan approved for storage units, with blacktop drive being completed within 2 years.</p>	<p>2/16/98 letter sent re: fence.</p> <p>14 junk cars in back</p> <p>7 cars outside on south side</p> <p>car pats outside on south side</p>
COLLISON CENTER	<p>10-24-89 CUP approved (Pl Cm)</p> <p>11-7-89 approved (Bd)</p> <ol style="list-style-type: none"> 1. Complete construction 2 mos. from issuance of building permit 2. Body shop suppliers- DNR regulation re: 	<p>8/8/97 letter sent re: fence</p> <p>car, tires on north side</p> <p>5 junk cars in back</p> <p>9 junk cars on south side</p>

disposal of hazardous waste
 3. 3- 6 employees
 4. No outside storage
 5. Opaque metal fence around temp. storage
 of disabled vehicles within 1 year of permit
 9/5/00 Site Plan approved for bldg. addn.
 6 bay spaces
 80 sq ft sign

Misc. pats , bldg. mat.
 refrig. outside
 junk tires south side

US FILTER
 (was V & L)

We have site plan drawings but no date or
 supporting paperwork. Mr. Hamaker agreed to
 outside mold storage on cement behind the bldg.
 out of sight from 15 Mile Rd. 4/11/00

Mold storage on
 cement behind
 bldg. Wood
 pallets on
 south side

TOM'S BODY SHOP

CUP & Site Plan approved by Pl Cm 5-6-97
 Approved by Twp. Bd. 5-19-97 for exterior
 commercial storage of motor vehicles and
 equipment.

No violations

1. The solid screening fence on West side of
 storage agea needs to be extended along the
 North & South sides so storage is not
 Visible from 15 Mile Rd.
2. Parking is adequate, as shown on site plan

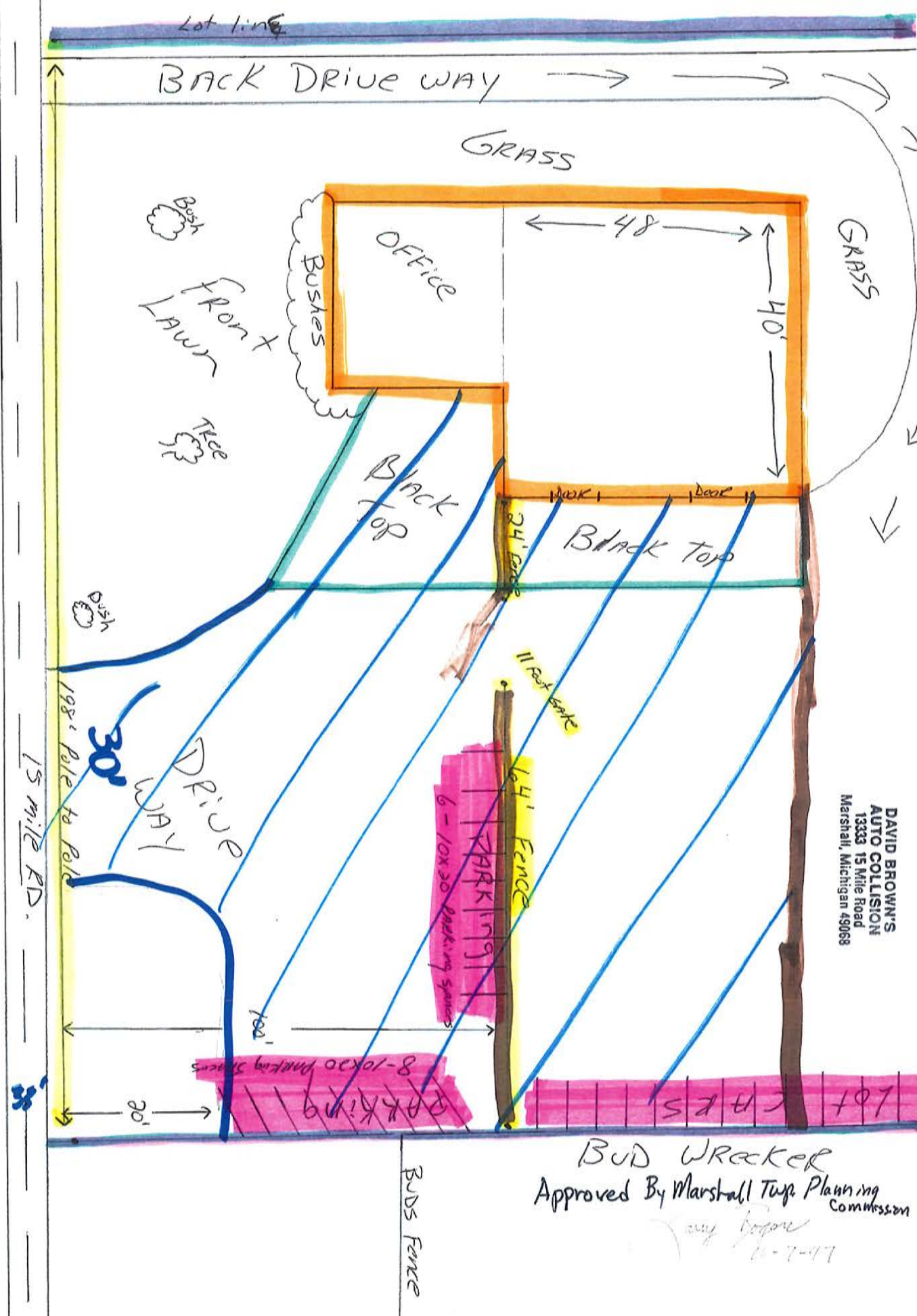
ROGER HOWARD

CUP for outside storage behind ACT bldg
 Granted 3-2-99 by Pl Cm:

1. Must have opaque fencing on South, East
 and North sides.
 2. Must be done by 7/1/99.
- No paperwork for Board action
 No CUP for original building and use as
 Howard's Auto Specialist, nor site plan.

2 semi trailers
 on ground be-
 hind main bld
 Also misc.
 wood, fencing,
 junk, cars.
 Required fence
 only on north
 side.

GRASS



DAVID BROWN'S
AUTO COLLISION
13333 15 Mile Road
Marshall, Michigan 49068

BUD WRACKER
Approved By Marshall Twp. Planning Commission
6-7-77

Marshall Township Planning Commission Meeting
October 1, 2002

Present: Potter, Franklin, Kiessling, Parker, Riggs, Baird, Mikesell

Absent: Quinn, O'Connell

Vic Potter called the meeting to order at 7:00 p.m.

Motion to approve the Sept. 3rd minutes by Mikesell, 2nd by Kiessling. Approved

Site Plan presented by Jeff Sanders on behalf of Shell Pipeline Company for an Industrial Expansion located at 12451 South Old US 27 to include an additional tank with a 100,000 gallons capacity. Six existing tanks containing unleaded gasoline and diesel are already onsite. The new tank will have a 170 ft. set back from the road, and will set adjacent to the other tanks. The tank will be 500-600 ft. from existing homes and surrounding homeowners have been notified.

Motion to approve the site plan presented by Mr. Sanders on behalf of the Shell Pipeline Company by Parker, 2nd by Kiessling. Approved.

David Brown presented his site plan to build storage units behind his existing business located at 13333 15 Mile Road. This will be a two-year plan and will include black top around the buildings. The units will primarily house cars.

Motion by Riggs to approve David Brown's site plan with the blacktop drive being completed within two years, 2nd by Parker. Approved.

Dr. Jim Fletcher presented his site plan for an addition to his office building located at 14915 West Michigan Ave. Patients will be using the existing driveway.

Motion by Riggs, 2nd by Mikesell to approve the site plan for Dr. Fletcher with an amendment to the motion by Parker and support for the amendment by Baird that the foyer not be totally approved until it goes through the ZBA. Approved.

Noticed Public Hearing for proposed amendment to the Marshall Township Master Plan Map to better define the designation of Open Space/Recreation on the map based upon soil conditions and topography.

Russ Wickland recommended this amendment become part of a five-year review.

Open Public Hearing
No comments
Close Public Hearing

Motion by Parker, 2nd by Mikesell to accept the proposed amendment with Russ Wickland's recommendation that this becomes part of a five-year review.

Noticed Public Hearing for proposed amendment to the Marshall Township Zoning Ordinance to establish a new "OSP" Open Space Preservation Overlay District, in order to comply with P.A. 177 of 2001. This district would provide for an open space preservation development option for landowners in the "OC", "AR", "RA", and "RB" Zoning Districts.

Open Public Hearing
No comments
Close Public Hearing

Motion by Franklin, 2nd by Riggs to accept the proposed amendment to the Marshall Township Zoning Ordinance to establish a new "OSP" Open Space Preservation Overlay District to comply with P.A 177 of 2001. Approved.

Old Business: None

New Business:

ZBA recommendation for "Private Driving School" to be placed as conditional uses in the "AR" **OR** "HS" zoning districts.

Russ Wickland's recommendation attached.

Sue will include this item in the Public Hearing notice for next month. Sue also mentioned she has had some difficulty with people running businesses out of their homes after being told they could not. This will be addressed in the next noticed Public Hearing.

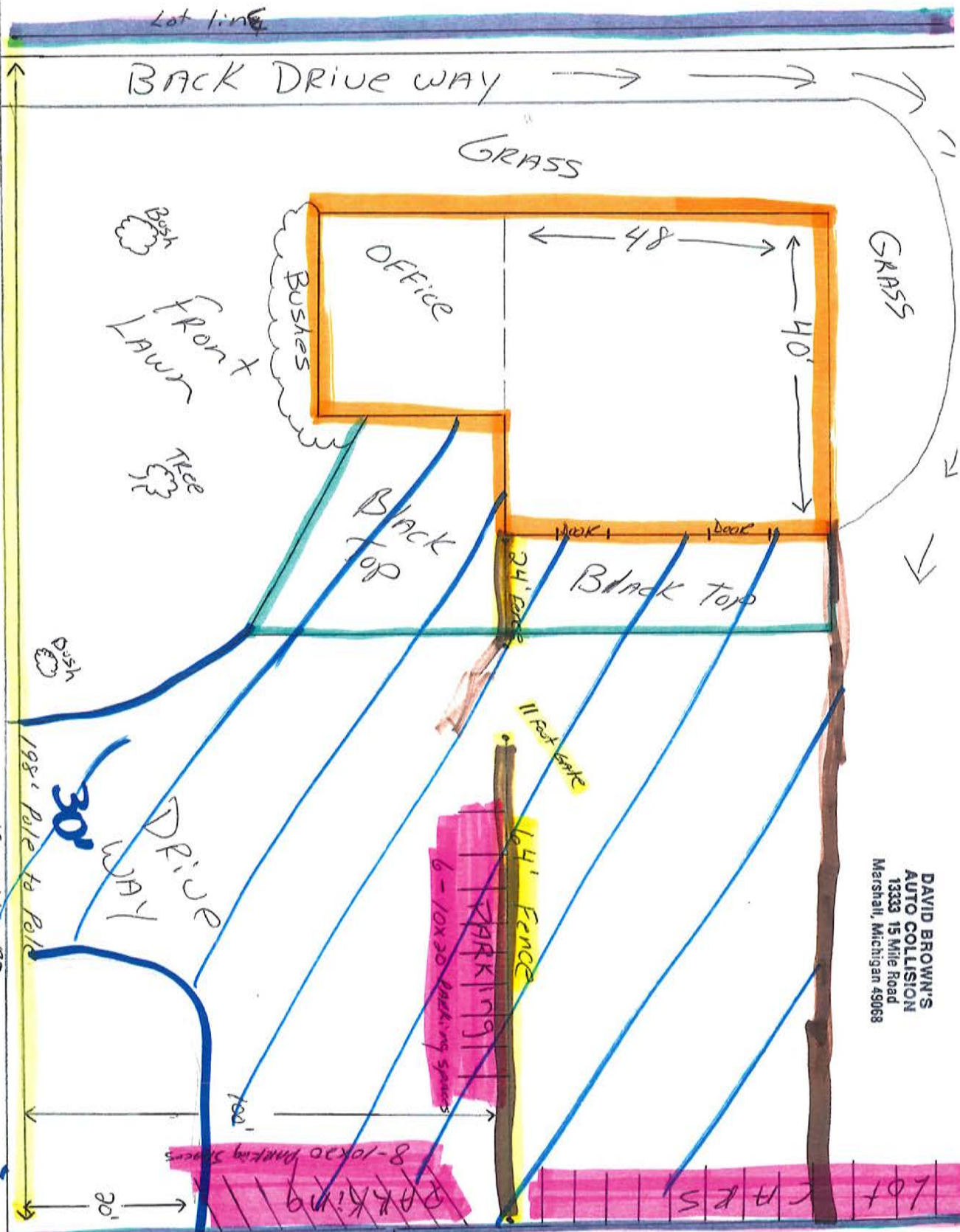
Continual garage sales/flea markets also has become a problem and will be addressed at the next noticed Public Hearing.

Motion to adjourn by Kiessler, 2nd by Parker

Meeting adjourned at 7:50.



GRASS



DAVID BROWN'S
 AUTO COLLISION
 13333 15 Mile Road
 Marshall, Michigan 49068

BUD WRACKER
 Approved By Marshall Twp. Planning
 Commission

David Brown
 10-7-97

Tuesday Oct 1-02
 Marshall Township Meeting

Job Survey

Be Shen

DATE: JUN 18-2002

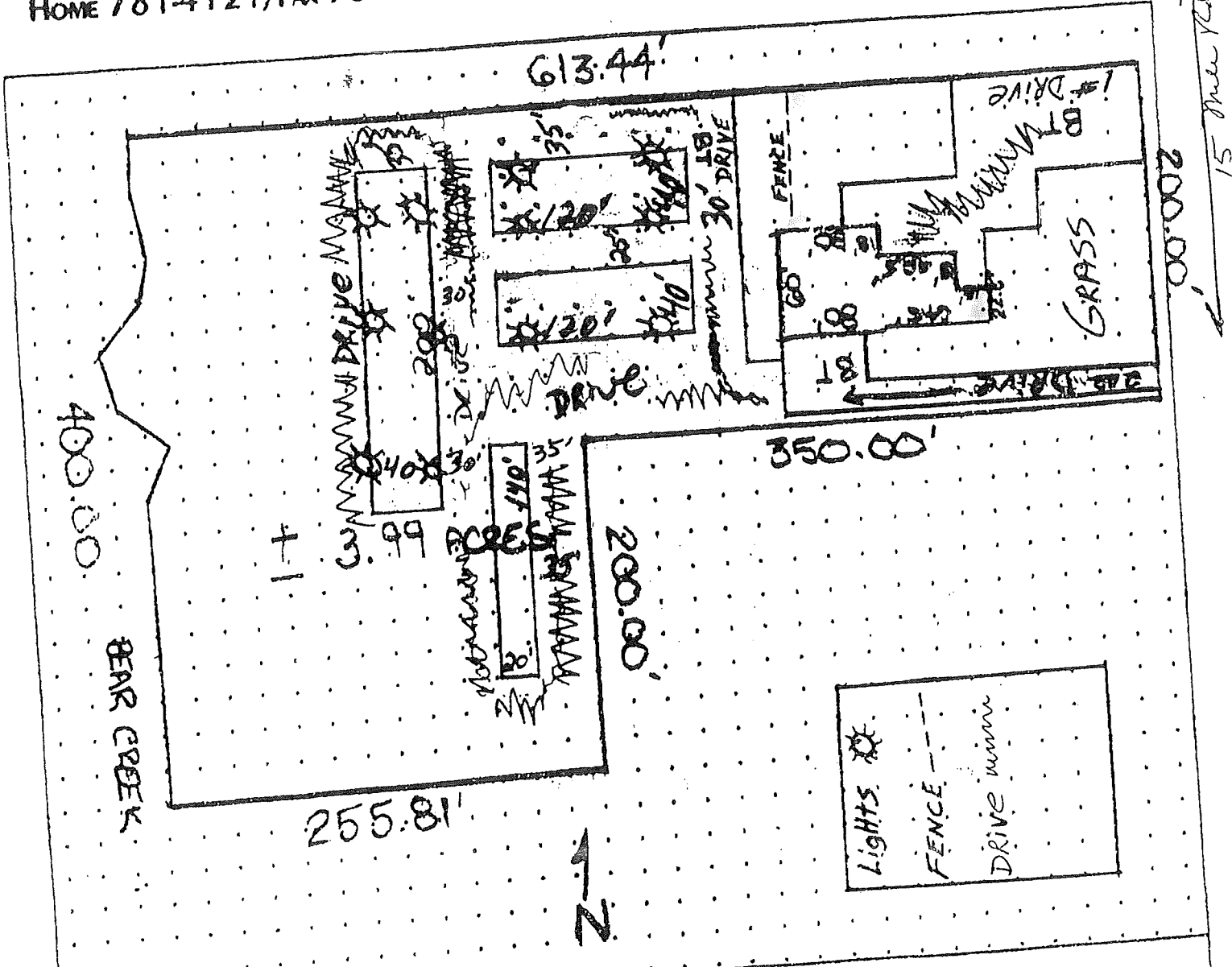
OWNER: DAVID BROWN

OWNER PHONE NO: 781-5429

PROJECT ADDRESS: 13333 15 MILE ROAD

PROJECT NAME: STORAGE BUILDINGS

MIKE KOENIG CONSTRUCTION
 13686 20 MILE ROAD
 MARSHALL, MICHIGAN 49068
 HOME 781-4121/FAX 781-4128



#	Job description
1	
2	
3	
4	

10/1/02
 OK
[Signature]

Marshall Township Planning Commission Meeting
November 4, 2003

Present: Quinn, Baird, Mikesell, O'Connell, Kiessling, Parker, Riggs, Franklin
Absent: Potter

The meeting was called to order by Don Franklin at 7:00 PM.

**Motion by Quinn 2nd by O'Connell to approve the September 2, 2003 minutes.
Approved**

There were no remarks from the audience.

First item on the agenda is an application for a Conditional Use Permit for a wrecker service (Sec. 18.03H) in the LI District at 13333 15 Mile Road.

Public Hearing Opened

Susan George told the Commission that she had one response regarding the application from neighbors. The Livingston-Murnaw family had concerns regarding screening of the area and the run off that could occur with leaking oil and other fluids from the disabled vehicles.

David Brown, owner of the property spoke to the Commission regarding the Conditional Use Permit. His plan is to clean up the area in the front of his building and remove the vehicles to the back of the fenced area. Steve Ashba, owner of the Wrecker Service would help remove the cars and keep the area clean and orderly. Mr. Ashba told the Commission he can only hold the cars for 30 days at this facility. Paul Kiessling asked if the entire area was cemented and if it would be enclosed entirely with a fence.

Public Hearing Closed

Due to concerns from the Commission regarding a green belt, run off, overcrowding, and compliance issues with the existing business it was determined that we should take a closer look at all of the businesses in that immediate area in regards to environmental issues and be fair and consistent to everyone.

Motion by Quinn, 2nd by Kiessling to table the request for a conditional use permit for this property and request a more comprehensive site plan. Approved.

It was suggested by Quinn to consult with Russ Wickland, Township Consultant for his opinion on this matter, as well as look back at other conditional use permits given to businesses in the area. (see Dec 2003 minutes)

Old Business:

None

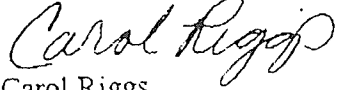
New Business:

None

Meeting adjourned by Don Franklin at 7:19 PM.

Next Meeting scheduled for December 2, 2003

Recording Secretary

A handwritten signature in cursive script that reads "Carol Riggs". The signature is written in black ink and is positioned above the printed name.

Carol Riggs

Memorandum

To: Planning Commission Members
CC: Hamaker, Sink
From: Sue George
Date: 10/30/2003
Re: Planning Commission Meeting November 4, 2003

The only item on the agenda is an application for Conditional Use Permit for a wrecker service (Sec. 18.03H) in the LI District at 13333 15 Mile Rd.. The property is owned by David Brown and is the site of David Brown's Auto Collision. Mr. Steve Ashba will lease office space from Mr. Brown, as well as an existing, fenced lot for impounding cars.

The fenced lot is half-gravel, half cement. In case of overflow of cars, he has agreed to rent existing space in the storage units on the same property.

Any conditions put onto Mr. Ashba should include addressing the possible overflow of cars. The site plan that will be submitted has already been approved for David Brown and no physical changes are being made at this time.

Cindy went to a seminar this week and Atty. Lohrsdorfer made it clear that standards for Conditional Uses and Rezoning must be spelled out in the minutes individually, what the facts are for each standard, and reasons for approving or disapproving each one. Therefore, they must be dealt with individually in the meetings. It will be up to the petitioner to provide information for these, and we should postpone a decision until those facts are supplied. I am enclosing the standards for Conditional Uses. I know this is late information, and this particular application is fairly simple. Please keep this in mind for future applications.

NOTICE OF HEARING

Marshall Township
Calhoun County, Michigan

The Marshall Township Planning Commission will hold a public hearing on Tuesday, November 4, 2003 at 7:00 p.m. at the Marshall Township Hall at 13551 Myron Avery Drive in Calhoun County, Michigan, for the purpose of hearing all persons interested in the following issues:

- (a) Application for a Conditional Use Permit for outside storage for a wrecker service (Sec. 18.03H) in the LI (Light Industrial District) at 13333 15 Mile Road, Marshall, MI. The property is owned by David Brown, on the site of David Brown's Auto Collision of Marshall. The wrecker service will lease office space and a fenced impound lot on that site.
- (b) Such other matters which may be discussed at the Regular Meeting of the Planning Commission.

Copies of the Marshall Township Zoning Ordinance and Zoning Map are available for inspection from Cynthia Sink, Marshall Township Clerk, (781-7976), from 9:00 a.m. to 3:00 p.m. Tuesdays through Fridays, prior to said meeting.

Dated: October 22, 2003

MARSHALL TOWNSHIP PLANNING COMMISSION

By:

Susan George, Marshall Township Zoning Administrator

Please publish the above Notice in the Battle Creek Enquirer on October 25, 2003. Please forward Proof of Publication and bill to Marshall Township at the Marshall Township Hall, 13551 Myron Avery Drive, Marshall, MI 49068.

MARSHALL TOWNSHIP PLANNING COMMISSION MEETING

December 2, 2003

Present: Quinn, Franklin, O'Connell, Kiessling, Mikesell, Potter, Parker, Baird. Also present were Mr. and Mrs. Frank Murphy, Brian Burns, Gene Hamaker, Sue George, Russ Wicklund

Absent: Carol Riggs

Motion by Kiessling, 2nd by Parker to approve the November 4, 2003 minutes.
Approved.

There were no remarks from the audience.

First item on the agenda is the noticed Public Hearing for the proposed rezoning of the western twenty acres of parcel # 13-16-132-003-00 (see attached legal description), from AR (Agricultural Residential) to RA (Low Density Residential).

Public Hearing opened.

The Future Land Use plan map was consulted to determine if this proposed rezoning would fit within the plan, and Planning Commission members and consultant Russ Wicklund agreed that it did.

Public Hearing closed.

Motion by Parker, 2nd by Kiessling, to recommend approval of the rezoning to the Township Board. Approved.

Under Old Business, the Commission considered a report by G.Keller re: compliance with Conditional Use Permit and Site Plan Review standards by businesses on 15 Mile Rd. A general lack of compliance exists in many of the businesses. Russ Wicklund submitted a memo re: Conditional Use-Site Plan-Enforcement (attached). The Commission agreed that the Twp. Needs to follow up on Conditional Use Permits to make sure that those granted a Conditional Use Permit are in compliance with the stated conditions.

Mark O'Connell spoke specifically regarding the application for Conditional Use Permit application from David Brown's Auto Collision that has been tabled. He doesn't feel that

the property can support three businesses. The question arose about "stacking" Conditional Use Permits on a property, and Mr. Wicklund said it can be done, providing that the requirements for each Conditional Use are still met, individually. Mr. Wicklund noted that the best vehicle to ensure compliance is a very specific, professionally done Site Plan. In the future, he recommends that the Conditional Use application, accompanied by a site plan, be approved before a more complete, professional site plan is considered.

There being no further business, the meeting adjourned at 7:52 p.m.

Next meeting scheduled for January 6, 2003.

Susan George for Carol Riggs, Recording Secretary

Marshall Township Planning Commission Meeting
May 4, 2004

Present: Mikesell, Parker, Kiessling, Franklin, Riggs, Baird, Potter,

Absent: Dave Bosserd, Mark O'Connell

Motion by Kiessling, 2nd by Parker to approve the December 2, 2003 minutes.
Approved.

First item on the agenda is a noticed Public Hearing for proposed rezoning of ten acres west of and adjacent to 13995 W. Michigan Ave. (Stanley Lawn & Garden), owned by Myron Avery, from AR (Agricultural Residential) to LI (Light Industrial)

Ron Petty spoke on behalf of Myron Avery asking that the property be rezoned to accommodate Chad and Dad's, a business that sells and repairs lawn tractors, boats and motors, as the building they are currently using is too small. The location between Marshall and Battle Creek is better suited for their business.

Public Hearing opened:

Virginia Mitchell questioned why this property could be rezoned LI (Light Industrial) if Sharon Heath's Driving School was denied. Vic Potter stated that the Avery property is adjacent to property already zoned Light Industrial and the property owned by Ms. Heath is not.

Township Consultant Russ Wicklund stated that the rezoning of the Heath property is inconsistent with the Master Plan.

Public Hearing closed:

Motion by Riggs 2nd by Parker to rezone the property to LI (Light Industrial)

Roll Call Vote

Parker - yes

Mikesell - yes

Kiessling - yes

Franklin - yes

Potter - yes

Baird - no

Riggs - yes

Motion approved.

It was recommended by Russ Wicklund that the Commission revisit our Master Plan at our next meeting.

The next item on the agenda is a site plan review for 13001 West Michigan Ave. easternmost building.

Bruce Nyeholt spoke to the Commission on behalf of Romo Enterprises, which sells structural and ornamental building supplies such as spiral staircases. They will have a loading and unloading area for trucks. The front part of the building will be used for display, and the back part will be used as an assembly area.

Don Franklin mentioned that our ordinance calls for off street parking to be paved. Mr. Nyeholt explained that the drive is now hard gravel. Mr. Nyeholt was concerned that the asphalt would be destroyed by the heavy trucks and equipment.

Motion by Parker 2nd by Mikesell to approve the site plan for 13011 West Michigan Ave, with the customer parking and drive area being black topped within 18 months and the loading area and truck driveway to be some type of dust free stone.

Roll Call vote:

Parker – yes

Mikesell – yes

Kiessling – yes

Potter – yes

Franklin – yes

Baird – yes

Riggs – yes

Motioned approved.

Old Business:

Conditional Use Permit application for a wrecker service at David Brown's Auto Body, located at 13333 15 Mile Road, Marshall.

Motion by Parker 2nd by Mikesell to deny the Conditional Use Permit requested at 13333 15 Mile Road. Approved.

New Business:

None

Motion by Mikesell 2nd by Kiessling to adjourn at 8:01 PM. Approved.

Respectfully Submitted,

**Carol Riggs
Secretary**



STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
KALAMAZOO DISTRICT OFFICE



JENNIFER M. GRANHOLM
GOVERNOR

STEVEN E. CHESTER
DIRECTOR

June 17, 2004

CERTIFIED MAIL

Mr. David Brown
David Brown Auto
13333 15 Mile Road
Marshall, MI 49068

Dear Mr. Brown:

SUBJECT: NOTICE OF VIOLATION
DEQ Complaint Number 04-13-0002-V
Property Location: Calhoun County, T2S, R6W, Section 27
13333 15 Mile Road, Marshall

On April 28, 2004 the Department of Environmental Quality (DEQ) conducted an investigation and determined that there has been recent unauthorized activity on the above referenced parcel of property. You have been identified as the landowner who has placed, or has allowed placement of, fill in wetland adjacent to Bear Creek. Wetland fill has occurred from both direct placement of material, and from lack of soil erosion control, resulting in eroded soil being deposited in wetland. Materials being dumped on site included: soil, lumber, concrete, asphalt, vinyl, stumps, etc.

A permit is required prior to the start of this type of activity. A review of the DEQ's files indicate that no permits have been issued. The DEQ has therefore determined that this activity is in violation of Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). Violation of this Part may subject the violator to enforcement action as provided by the statute.

The DEQ advises you to stop all unauthorized activity at this location. However, based on the site, amount, and type of unauthorized work, restoration of the site will not be required.

During the April 28, 2004 investigation, we discussed several of the issues related to this problem. The DEQ advises you to:

1. Within 30 days of the date of this letter, comply with all appropriate soil erosion and sedimentation control statutes. (i.e., Obtain and comply with a Part 91 permit, as administered by Calhoun County. If necessary, obtain and comply with a construction storm water notice of coverage, as administered by the Water Division of the DEQ.)
2. Within 30 days of the date of this letter, provide names of those individuals/parties that you know have placed fill in wetland, or other unauthorized dumping.
3. In a timely manner, erect a fence, or take other appropriate and effective measures to discourage and/or prevent unauthorized persons from continuing to place fill on your property.
4. You are advised to stop placement of any further fill material, without first securing a professional wetland determination. This service can be provided by the DEQ, or by a qualified wetland consultant. Materials are enclosed to assist you with either of these options.

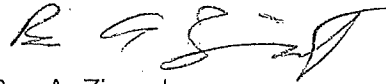
Mr. David Brown
Page 2
June 17, 2004

Should you desire to do additional regulated work on this site or in other regulated areas, it will be necessary to obtain a permit from the DEQ and follow the conditions of the permit prior to commencement of any work. Failure to obtain applicable State permits may result in the DEQ seeking appropriate legal action as provided by statute. A copy of the pertinent Part regulating this resource is enclosed. Permit applications and copies of other Parts of the NREPA may be obtained from this office, or from our website at: www.michigan.gov/deq.

By copy of this letter, the DEQ, Waste and Hazardous Materials Division (WHMD) of the DEQ is being notified of a possible violation of solid waste statutes.

Failure to comply with this request, or if any further unlawful activity occurs on the site, may result in this case being referred for elevated enforcement action. We anticipate and would appreciate your full cooperation in this matter. If you have any questions, please contact this office.

Sincerely,



Ben A. Zimont
District Representative
Geological and Land Management Division
269-567-3567

Enclosure

cc: Calhoun SESC Officer
Marshall Township
WD, Construction Stormwater, Kalamazoo
WHMD, Kalamazoo

.....

Mike Farmer
Ordinance Enforcement Officer
18357 M-60 East
Tekonsha, Michigan 49092-9447

Friday, May 09, 2008

RE: Monthly Activity Report for: **MAY 2008**

Mrs. Susan George
Zoning Administrator
13551 Myron Avery Drive
Marshall, Michigan 49068

Dear Mrs. George,

CONDITIONAL USE PERMITS COMPLIANCE:

I conducted follow-up inspections on the below listed properties noted to have deficiencies on my last inspections. These inspections will ensure compliance of the conditional use permit granted by the Marshall Township Board. This is consistent with our pro-active efforts to keep our community beautiful and safe!

Browns Automotive: Progress has been made on this business property, Mr. Brown has 30 more days to bring the property into full compliance and will be sent a reminder. **Pending.** 272-015-00

Rosler Corp: I met with sales representative Jay Rideout and toured the property for violations. Rosler Corp. will be given 30 days to remove the semi trailers from the property that are being used for the sole purpose of storage. **Pending.**

Roger Howard: Mr. Howard has removed the vehicles in question that were in violation and satisfied the ordinance requirements through full abatement. **Abated.**

Benny's Automotive: I met with Benny Creighton, owner of Benny's automotive. Mr. Creighton leases space from Roger Howard. I noted a couple of violations with vehicle storage of non-licensed vehicles. Mr. Creighton agreed to voluntarily abate the violations and have the property in full compliance within 7 days. Mr. Creighton fulfilled his promise and has removed the vehicles in question. The property is now in full compliance with ordinance requirements. **Abated!**

Summary: I explained to each business operator that each condition of their specific use permits must be maintained throughout the year and periodic checks will be made.

Complaints:

17740 North Old US 27- Ted Merkel- This property was found in violation for junk vehicles and outdoor storage. I have sent a formal notification to Mr. Merkel to require full abatement within (14) days of the written notice. **Pending....**

.....



13551 Myron Avery Drive
Marshall, MI 49068
(269)781-7976 Fax (269)781-4403
Hours: Monday ~ Wednesday, 9 AM to 3:30 PM

Pictures taken of the property 13333 15 Mile Rd, Marshall, MI 49068

Pictures were taken on August 2, 2023, at approximately 1045 AM.

By Paul Anderson











MARSHALL TOWNSHIP
13551 Myron Avery Drive
Marshall, MI 49068
(269)781-7976 Fax (269)781-4403
Hours: Monday ~ Wednesday 9 AM to 3:30 PM
STAFF REPORT

Paul Anderson, Marshall Township Zoning Administrator

Public Hearing for Review and possible revocation of a Conditional Use Permit (CUP) for DAVID'S BROWN AUTO COLLISION 13333 15 MILE RD., MARSHALL, MI 49068 16-272-015-00 as defined in Section 13-7 of the Township Ordinance.

The Planning Commission shall have the authority to revoke a special use permit when the applicant has failed to comply with any of the applicable requirements of this article, other applicable sections of this ordinance, or the conditions of approval. The Planning Commission may revoke a previous approval if it finds that a violation exists and has not been remedied. The special use permit may be suspended or revoked per the following procedures:

A. Conditions for Revocation. Conditions that may result in a suspension or revocation include, but are not limited to, the following:

1. The special land use was not constructed in conformance with the approved plans, or the property is not being used in conformance with the approved special use. ***Parking has consistently occurred in the grass north of the "back driveway." Some vehicles are parked in the tree line and the rear of the building in the grass. There are car parts and tires by the dumpster. The site plan doesn't include a dumpster enclosure area. The CUP does not grant in-operational motor vehicles to be stored outside the fenced area.***
2. Compliance with the special use permit and any conditions have not been consistently demonstrated, and administrative attempts to secure compliance have been unsuccessful. ***From 2016 to today, the Township has sent 19 letters to the property owner and has visited the property. These attempts have failed to achieve compliance. The property owner was written two civil infraction citations and received court orders to get the property in compliance. The property will comply for a while but then reverts.***
3. The Special Land Use Permit has been issued erroneously based on incorrect or misleading information supplied by the applicant and/or his/her agents. ***As the Zoning Administrator, there seems to be disagreement on what is allowed by the site plan and what is not. The Planning Commission needs to clarify the current site plan, if possible. The Planning Commission could require a new site plan to define what will be allowed.***
4. The operation of the use granted by the special use permit has created a risk or danger to the public health, safety, or welfare. ***The concern is that vehicles are coming into the property in a crashed state. If those vehicles are not stored correctly, those fluids could leak into the groundwater.***
5. The special use violates any provision of this ordinance or other county, state, or federal regulations. ***None that the Township is aware of.***

MARSHALL TOWNSHIP
13551 Myron Avery Drive
Marshall, MI 49068
(269)781-7976 Fax (269)781-4403
Hours: Monday ~ Wednesday 9 AM to 3:30 PM
STAFF REPORT

Paul Anderson, Marshall Township Zoning Administrator

The revocation process allows the Planning Commission to revoke the Special Land Use on the property. That revocation would shut down David Brown Auto Collision until a new site plan was submitted to the Planning Commission and approved under the current Zoning Ordinance.

The Planning Commission can define the current site plan. Without Attorney's opinion, I am not sure that the Planning Commission should have the site plan and that modification be under the Zoning Ordinance at the time of the site plan submittal or under the current ordinance.

The Planning Commission could require a new site plan to be submitted to the Planning Commission at a time decided by the Planning Commission and schedule a public hearing for that site plan. The new site plan would have to comply with the current Zoning Ordinance, and the plans would have to be sealed by an architect or engineer.

Paul Anderson

Township Zoning Administrator

Section 7-13 Special Events

- A. *Approval Authority.* The Zoning Administrator shall consider and approve a temporary structure, use, or event if it complies with all requirements of this section. The Zoning Administrator may also, at their sole discretion, forward an application to the Planning Commission for consideration. The Zoning Administrator or Planning Commission shall review the application and other submitted materials and shall approve, deny or approve it with conditions. **Administrative approval for a single event**
- B. *Requirements.* A special event may take place outdoors, notwithstanding any limitation or prohibition against outdoor activity otherwise provided by this ordinance. A special event shall meet all the following requirements:
1. *Impact.* The use or structure does not have an unreasonable detrimental effect upon adjacent properties and does not affect the nature of the surrounding neighborhood. **No effect to the surrounding area**

2. Access. That access to the area will not constitute a traffic hazard due to ingress or egress.
3. Parking. Adequate off-street parking must be available to accommodate the use; and no parking space required for any other use shall be occupied as a result of the special event.
The venue has parking – they have spots for 200 which is more than enough.

C. *Report to Planning Commission*. The Zoning Administrator shall report all administrative approvals authorized in this section to the Planning Commission.

- 1) Will there be a limit on the number of tickets available?
Yes, we are hoping to get to 125-150 guests
- 2) If there is an inside part of the event are there capacity limits?
Yes, the capacity for seating in their Pavilion Tent is 160
- 3) Is there acquire fire extinguisher?
Yes, I saw multiple on my tour
- 4) Is there escape routes from the building?
Yes, the tent has the ability to be open on both sides pending weather - so no worries there. Front entrance will remain open.
Also, all food is being prepared in their kitchen so any heat components are far away and it is a non-smoking venue.

The one day event is granted based on the information given to me by Lori Sunie, Director of Development with South Michigan food Bank. The event is at Of the Land Farm on 14201 H Drive N. on September 28th. The information provided to me is in red.

Paul Anderson

Marshall Township Zoning Administrator