









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.***

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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 a 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

15548 17 ½ Mile Rd.
Marshall, MI 49068

August 16, 2023

Alec Egnatuk
Chair – Marshall Township Planning Commission
Marshall Township Hall
13551 Myron Avery Drive
Marshall, MI 49068

Subject: Incorrect Information Stated at the August 1 Meeting

Dear Chair Egnatuk

As I communicated to you on August 2, and again on August 3, the statement made by Commissioner Lindsey at the August 1 Planning Commission Meeting was false and misleading.

Statements made by Commissioner Linsey were incorrect at the time, and remain so. The only way Commissioner Lindsey would be aware of information he stated was as an intervening defendant (see attached lawsuit document).

In any case, it was not accurate that “nothing will be heard on August 9” as the Circuit Court Case 2023-0000001712-CZ hearing moved forward as planned. It was also not accurate at the time that the hearing would be postponed until “the end of August”. This was the position of the defendants, but in no way agreed to by the plaintiffs. Again, this would be information only known by an intervening defendant.

It was further incorrect at the time of the statement that the referendum sought “could not happen in November”. This could not be known at that time, as the hearing on August 9 had not taken place.

I believe this statement was damaging to the public interest and to those that oppose the rezoning for I3-Industrial Complex of land previously in Marshall Township. It must be must be corrected by my comments here being part of the August 1, 2023 meeting minutes.

I further would hope that Commissioner Lindsey would retract his comments and refrain from further statements of incorrect information about public information and those that he opposes.



Glenn Kowalske, P.E.

269-282-4401

From: [Paul Anderson](#)
To: [Seth Koches](#)
Subject: David Brown Site Plan
Date: Friday, January 5, 2024 7:31:00 PM
Attachments: [Site Plan Permit.pdf](#)
[David Brown 1-2-24.pdf](#)
[Brown Org & New Site-Plans.pdf](#)

Seth,

This application is incomplete.

A licensed engineer shall professionally prepare required Content Site plans. If approved by the Zoning Administrator, site plans may be prepared by a professional architect, surveyor, or landscape architect (Section 12-8 D). (not done)

The applicant must read the following statement carefully and sign below. (not done)

The plan is unclear! A proper site plan would designate the current and new parking spots with the correct size. From Mr. Shaffer, "the majority of vehicles behind an 8 ft. fence which, hopefully, will alleviate any concern that the public, or Township, may have and further that additional blacktop will be done to the south of the blacktop area for parking of vehicles to protect any concerns of leakage or runoff." "The parking spots outside of the fence are twelve (12) with five (5) additional ones on the south side of the property."

-

The original site plan was for 14 parking spaces outside the fence; Attorney Schaefer refers to 17 parking spaces, which is not clearly indicated in the submitted site plan.

Attorney Schaefer "In addition, the site plan would indicate that there would be additional blacktop for parking to the east of the prescribed fence for the parking of customers and staff on blacktop areas."

-

It also infers that there will be parking behind the new fence. That area is not designated and does not depict the surface in that parking/storage area.

In conclusion, the application is incomplete and should be returned to the applicant for the proper submission of the site plan. By having it done the site plan done by a licensed engineer shall professionally prepare the required Content Site plans. They will review the ordinance and design the site plan to comply with the Marshall Township Ordinance.

Seth, If you concur, I would like a letter to be sent and faxed to Attorney Schaefer informing him of my finding.

The Planning Commission will have to meet on January 24, 2024, because it was the date certain. I recommend that the PC require Mr. Brown to submit a site plan done by a licensed engineer, professionally prepare the required Content Site plans, and complete the application. To a date certain May 7, 2024, to give Mr. Brown adequate time to submit the proper plans to me for review before the May 7, 2024, meeting.

Best Regards,

-

Paul Anderson

Marshall Township

Zoning Administrator

13551 Myron Avery Dr.

Marshall, MI 49068

(269) 781-7976 Fax (269) 781-4403

Web Site: www.marshalltownship.org

Email: paul@marshalltownship.org

Office Hours Mon~Wed 9 AM to 3:30 PM and closed a half an hour for lunch. All Payments can be dropped off at the dropbox in the front of the office or paid online (a 3% fee applies)

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A. PROPERTY AND PROJECT INFORMATION

Property Address _____
Parcel Number _____ Zoning District _____
Lot Size Frontage: _____ ft Depth: _____ ft Area: _____ Acres/Sq Ft ☐ Rectangle ☐ Irregular
Current use of property _____
Proposed use of property _____
Number of existing parking spaces on site _____

Will the proposed use include any of the following activities? (Check all that apply)

- | | |
|---|---|
| <input type="checkbox"/> Construction of a new building | <input type="checkbox"/> Increase in residential density |
| <input type="checkbox"/> Expansion of an existing building | <input type="checkbox"/> Construction/expansion of a new parking area |
| <input type="checkbox"/> New/expanded use within an existing building | <input type="checkbox"/> Construction of an accessory building |
| <input type="checkbox"/> Demolition of an existing building | <input type="checkbox"/> Other _____ |

B. APPLICANT INFORMATION

Applicant

Identify the person or organization responsible for the application:

Name _____ Title _____
Organization _____ Cell Phone _____
Mailing Address _____ Business Phone _____
City _____ State ____ Zip _____ E-Mail _____

The Applicant must have a legal interest in the subject property:

- | | |
|---|--|
| <input type="checkbox"/> Property Owner | <input type="checkbox"/> Purchaser by Option or Purchase Agreement |
| <input type="checkbox"/> Purchaser by Land Contract | <input type="checkbox"/> Lessee/Tenant |

Property Owner ☐ Check here if Applicant is also Property Owner

Identify the person or organization that owns the subject property:

Name _____ Title _____
Organization _____ Cell Phone _____
Mailing Address _____ Business Phone _____
City _____ State ____ Zip _____ E-Mail _____

C. REQUEST AND AFFIDAVIT

The applicant must read the following statement carefully and sign below:

The undersigned requests that Marshall Township review this application and related required documents and site plans as provided in Article 12 of the Marshall Township Zoning Ordinance. The applicant further affirms and acknowledges the following:

- ☐ That the applicant has legal interest in the property described in this application.
- ☐ That the answers and statements contained in this application and enclosures are in all respects true and correct to the best of his, her or their knowledge.
- ☐ That the approval of this application does not relieve the undersigned from compliance with all other provisions of the Zoning Ordinance or other codes or statutes, and does not constitute the granting of a variance.
- ☐ That the applicant will comply with any and all conditions imposed in granting approval of this application
- ☐ If also the owner, the applicant grants Marshall Township staff and the Planning Commission the right to access the subject property for the sole purpose of evaluating the application.

Applicant Name (printed)

Applicant Signature

Date

If the applicant is not the property owner, the property owner must read and sign below:

The undersigned affirms and acknowledges that he, she, or they are the owner(s) of the property described in this application, and:

- ☐ Is/are aware of the contents of this application and related enclosures.
- ☐ Authorizes the applicant to submit this application and represent the undersigned in the matter being reviewed by Marshall Township.
- ☐ Grants Marshall Township staff and the Planning Commission the right to access the subject property for the sole purpose of evaluating the application.

Property Owner Name (printed)

Property Owner Signature

Date

Deadline 21 days prior to scheduled meeting.

Pre-Application Meeting Prior to submitting a formal application, a landowner or project applicant is encouraged schedule a pre-application meeting with the Zoning Administrator. A site development sketch plan shall be provided for review during this meeting. The purpose of this meeting will be to discuss the proposed development project as it relates to the zoning requirements and review standards. Additionally, the Zoning Administrator shall outline the site plan review and approval process.

Submittal Section 12-8 C

1. Content. The applicant shall submit a site plan application along with fees and all materials required as part of the site plan.
2. Deadline. All materials shall be submitted to the Zoning Administrator by the deadline for Planning Commission consideration, a schedule of meeting dates and deadlines published annually.
3. Copies. Three (3) copies of full size, sealed prints and an electronic version of the file (PDF) that can be printed in smaller formats are required at the initial submittal deadline. A final set of up to 12 full sized, sealed prints and an electronic version are required at a secondary deadline.

Review The Zoning Administrator and all applicable reviewing authorities, including but not limited to the township's attorney, planner, engineer, fire marshal and building official, shall review the application and associated materials and the Zoning Administrator shall prepare final report for Planning Commission's review. The staff report and application materials shall be distributed to the Planning Commission prior to the meeting.

Planning Commission Action The Planning Commission shall review the application against the requirements of this ordinance, the review standards of this article, and the review standards for special land use permits, if applicable. Except for condominium projects, the Planning Commission shall table, deny, approve or approve with conditions, all plans received. The Planning Commission shall provide recommendations on condominium developments.

Township Board Action When applicable the Township Board shall review condominium developments against the requirements of this ordinance, the review standards of this article if applicable. The Township Board shall deny, approve or approve with conditions, all condominium plans received.

Required Content Site plans shall be professionally prepared by a licensed engineer. If approved by the Zoning Administrator, site plans may be prepared by a professional architect, surveyor, or landscape architect (Section 12-8 D).

Information

- ☐ Name and firm address of the professional individual responsible for preparing site plan and professional seal.
- ☐ Name and address of the property owner or petitioner.
- ☐ Scale, north arrow and date.
- ☐ Acreage, gross and net.
- ☐ Zoning of adjacent properties.
- ☐ Legal property description.

Existing Conditions

- ☐ Boundary survey lines and required setbacks.
- ☐ Location sketch showing site, adjacent streets, and properties within 200 feet.
- ☐ Location, width and purpose of all existing easements.
- ☐ Abutting street right-of-way and width.
- ☐ Topography with contour intervals of no more than two (2) feet.

Site Planning

- ☐ Proposed buildings, structures, fences, light poles, driveways, parking lots, landscaped areas, and other physical infrastructure, as applicable.
- ☐ Recreation areas, common use areas, dedicated open space, and areas to be conveyed for public use.
- ☐ Layout and typical dimensions of proposed parcels and lots, of applicable.
- ☐ Parking calculations.
- ☐ Landscape and lighting plans.
- ☐ Proposed landscape materials, location, size, type, and calculations.
- ☐ Photometric plan.

Infrastructure and Site Development

- ☐ Water, sewer, well, and septic, as applicable. Connections to existing lines, as applicable.
- ☐ Location, connections, and spacing of fire hydrants.
- ☐ Location and type of all proposed surface water drainage and stormwater facilities.
- ☐ Grading plan at no more than two (2) foot contour intervals.
- ☐ Proposed streets, parking areas, and driveways, including cross-sections with pavement width, materials, and easement or right-of-way dimensions, as applicable.

Building Details

- ☐ Exterior elevations, showing building height and describing building materials.
- ☐ Gross and usable floor area and floor plans.

Supplemental Information

- ☐ Project description and brief narrative description of the project including proposed use, existing floor area (square feet), size of proposed expansion (square feet), and any change in the number of parking spaces.
- ☐ Any other information required by the Zoning Administrator or Planning Commission to demonstrate compliance with other applicable provisions of this ordinance.

Approval of the site plan shall be granted only if the site plan meets all applicable requirements set forth in Section 12-9. Unless a more specific design standard is provided for in the Zoning Ordinance, all uses, sites and structures subject to plan review shall comply with the following standards:

Standard #1 Master Plan Proposed uses and development activity shall be substantially consistent with the Marshall Township Master Plan.

Standard #2 Connectivity Pathways for bicycles and pedestrians shall be incorporated throughout the development and along all perimeter streets to ensure connectivity between uses and with adjacent properties.

Standard #3 Traffic Circulation The number, location, size of access and entry points, and internal vehicular and pedestrian circulation routes shall be designed to promote safe and efficient access to and from the site, and circulation within the site. In reviewing traffic features, the number, spacing, and alignment of existing and proposed access points shall be considered relative to their impact on traffic movement on abutting streets and adjacent properties.

Standard #4 Interior Street Connectivity Public or private streets may be required to be extended to exterior lot lines to allow connection to existing or planned streets on adjacent parcels, to provide for secondary access, continuity of the circulation system and to reduce traffic and impact to the transportation network.

Standard #5 Natural Resource Protection

- a. Natural Features. Site design shall prioritize the preservation of natural features, such as steeper slopes, wetlands, significant hardwood tree stands, streams and other significant site characteristics. Applicants must demonstrate how alternatives were considered during the planning process.
- b. Connections. If the development site contains high quality natural areas that connect to other off-site areas of a similar nature, the development plan shall preserve such connections. Such connections shall be maintained to allow for the continuance of existing wildlife movement between natural areas and to enhance the opportunity for the establishment of new connections between areas for the movement of wildlife. Breaks or gaps in wildlife movement corridors should be minimized and when possible re-established using appropriate native vegetation.
- c. Surface Water Features. If the development site contains a lake, pond or stream, the development plan shall include such enhancements and restoration as are necessary to provide wildlife habitat and improve aesthetic quality in areas of shoreline transition and areas subject to wave or streambank erosion. The development plan shall also include a design that requires uniform and ecologically and aesthetically compatible treatment among the lots or tracts surrounding a lake, reservoir, pond or stream with regard to the establishment of erosion control protection and shoreline landscaping on or adjacent to such lots or tracts.
- d. Site Disturbance. Site disturbance shall be minimized and shall be demonstrated by the applicant in the following manner:
 - I. Identify minimal disturbance areas and no disturbance areas on site plan and construction drawings. Minimal and no disturbance areas must be protected by having the limits delineated, flagged and fenced in the field. Notes to this effect must be included on construction drawings. Areas to prioritize include significant stands of mature trees, notable wildlife habitat, sensitive or

protected plant life or natural features, significant viewsheds, and other resources deemed by the township, county, state, or federal government as unique, significant, and/or protected.

- II. No disturbance areas must not be subject to grading or movement of existing soils. Existing vegetation must be present in a healthy condition. Invasive vegetation may be removed.
- III. Minimal disturbance areas must not be subject to excessive equipment movement. Vehicle traffic and storage of equipment and/or materials is not permitted.
- IV. Pruning or other required maintenance of vegetation is permitted. Additional planting with site appropriate plants, including turf grass is permitted.
- V. No work shall occur until protective fencing is set up and until a pre-clearing inspection and/or written township approval is provided.

Standard #6 Natural Flow Pathways Natural flow pathways shall be avoided to the maximum extent practical. The applicant shall demonstrate the following:

- a. Identify all existing natural flow pathways on site plan. Site plans must include existing topography and natural features so that these areas can be identified.
- b. Natural flow pathways to be protected must have the limits delineated/flagged/ fenced in the field. Notes to this effect must be included on construction drawings.

Standard #7 Stormwater Stormwater detention and drainage systems shall be designed so the removal of surface waters will not adversely affect neighboring properties or public stormwater drainage systems and shall mimic predevelopment conditions. H. Landscaping. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing unnecessary tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas. Provision or preservation of landscaping may be required to ensure that the proposed uses will be adequately buffered from one another and from surrounding property.

Standard #8 On-Site Treatment Land use intensity shall be scaled appropriately based on the capability of on-site systems to adequately accommodate usage. On-site treatment systems shall be designed to protect groundwater and surface water quality to the maximum extent possible.

Standard #9 Utility Service All utility service shall be underground, unless impractical.

Standard #10 Exterior Uses Exposed storage areas, machinery, heating and cooling units, service areas, loading areas, utility buildings and structures, and similar accessory areas shall be located to have a minimum negative effect on adjacent properties, and shall be screened, if reasonably necessary, to ensure compatibility with surrounding properties.

Standard #11 Emergency Access All buildings and structures shall be readily accessible to emergency vehicles. Prior to approval or as a condition of approval, building layouts, internal circulation and other site characteristics that affect life safety shall be reviewed and approved by the appropriate public safety official or fire marshal.

Standard #12 Water and Sewer Water and sewer installations shall comply with all township, county and state specifications and requirements.

Standard #13 Building Design To the maximum extent reasonable, new or substantially remodeled buildings shall be reasonably compatible in appearance with, or shall enhance, the established general character of other buildings in the immediate vicinity or development.



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November 3, 2023

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

Attorney Shaeffer,

Please look at the pictures I have enclosed, which were taken on October 17, 2023. Mr. Brown continues to violate the Township Ordinance. The Planning Commission postponed the hearing so Mr. Brown could submit a new site plan. They did not permit, nor can they permit, Mr. Brown to continue to violate the Township Ordinance. If these actions continue, postponement of the revocation will not prevent the Township from issuing a civil citation.

What Mr. Brown must submit to the Planning Commission on January 24, 2023, Mr. Brown must follow Article 12 General Review Procedures with attention to 12-8 C and D. He will also need to follow Article 13 Special Land Use Permit.

Best Regards,

Paul Anderson

Marshall Township Zoning Administrator

Attachments:

Planning Commission Minutes September 5, 2023

Attorneys Letter Aught 17, 2017

Pictures of the property October 17, 2023

C/C: Attorney Koches

Planning Commission











Township of Marshall
Minutes of a Planning Commission Regular Meeting
Held on September 5, 2023

A regular meeting of the Marshall Township Planning Commission was conducted on September 5, 2023, commencing at 7:00 p.m., at the Marshall Township Hall.

Call to Order:

Chairman Egnatuk called the meeting to order at 7:00 p.m. and welcomed those in attendance.

Roll Call:

Present were:

Alec Egnatuk- Chair
Robert Lyng
Phyllis Gresly
Joanna Johnson
David Boshears

Absent was:

Richard Lindsey
Kevin Hoffman

Egnatuk noted that the absences of Lindsay and Hoffman were excused.

Public Comment

Connie Warman discussed rules of conduct regarding township officials. Warman expressed displeasure and asked that rules of conduct apply to township officials and employees. Glenn Kowalske discussed the August 1, 2023, Planning Commission meeting regarding comments made by Commissioner Lindsay. Kowalske read a letter that he forwarded to the Township to the Planning Commission. Kowalske asked that the letter be included in the public record. Kowalske asked that the code of ethics be improved for the Planning Commission and Township Board. Kowalske discussed and recommended several amendments to the solar ordinance and discussed damage to land. Jerry Bosserd discussed changes to the code of ethics and public comment. Bosserd discussed the Next Era solar project and possible violations, including noxious weeds. Bosserd discussed the decommissioning process and expressed concern regarding the removal of the mounting poles from the ground. Bosserd asked the Planning Commission to use microphones so everyone could hear the Commissioners' discussions.

Hearing no additional public comments, Egnatuk said that the letter submitted by Kowalske will be included into the Planning Commissions record and will be available for public inspection.

Approval of Minutes – August 1, 2023

The next item on the agenda was consideration of the minutes of the August 1, 2023, Planning Commission meeting. Several revisions were recommended.

Upon motion of Johnson, supported by Gresley, and 5-0 vote, the minutes of the August 1, 2023, Planning Commission meeting were approved, as revised.

Old Business – Proposed Bylaws

Egnatuk said that the Planning Commission received proposed bylaws, which will be forwarded to the Township Attorney for review.

Public Hearing for Review and Possible revocation of a Conditional Use Permit

The next item on the agenda was the public hearing for review and possible revocation of a Conditional Use Permit for David's Brown Auto Collision, 1333 15 Mile Road, within the Township. Egnatuk opened the public hearing and invited David Brown to address the Commission. Brown was represented by Attorney Thomas Schaffer, who addressed the Commission on his behalf. Schaffer said that Brown has been trying to comply with Township Zoning Ordinance standards throughout the years, and has achieved some compliance. Schaffer said that the subject property has been cleaned up and felt that it would be an extreme measure of the Planning Commission to revoke the conditional use permit. Schaffer said that Brown intends to comply with all ordinance requirements. Schaffer said Brown is unclear regarding all matters for compliance and is asking for clarification. Schaffer asked the Commissioners to inform Brown of examples of non-compliance so Brown can work towards compliance with the applicable ordinances. Schaffer discussed the original site plan, which was approved in 1997 and suggested amending it to satisfying the Planning Commission and to comply with Township Ordinance regulations.

Egnatuk invited an interested person to submit public comment in support of or in opposition to the Planning Commission's review and possible revocation of a conditional use permit for David Brown's Auto Collision. Jerry Bosserd discussed several grievances regarding the Zoning Administrator. Bosserd asked the Planning Commission who filed complaints regarding Brown's property. Bosserd asked who owned the properties surrounding Brown's property. Dwayne Sly said that the Township encourages small businesses and asked the Commission and Brown to work together to reach a resolution. Connie Warman said that she observed the Brown property and didn't see any particular issue with it.

Hearing no additional public comments, Egnatuk closed the public comment portion of the public hearing and the Commissioners entered into deliberation. Paul Anderson prepared a staff report which was contained in the Commissioner's agenda packet and summarized it. Anderson's staff report is part of the meeting record. The staff report summarized the extensive history of the subject property and efforts made to achieve compliance. Anderson discussed the procedure [Section 7-13 of the Township Zoning Ordinance] for revoking a conditional use permit. Anderson

did not recommend revoking the conditional use permit, but instead wanted to work with Brown to set forth a plan towards compliance. Johnson said that the site plan was approved in 1997 and discussed parking and vehicle storage. Johnson and Anderson discussed notices provided to Brown before the public hearing. Johnson suggested that Brown update the site plan. Schaffer and Johnson discussed ways an amended site plan may achieve compliance with Township Ordinance regulations. Schaffer noted that the Township Attorney authored a letter on August 17, 2017, outlining compliance issues, which he thought were addressed. Schaffer, the Commission and Township Attorney, Seth Koches, thoroughly discussed this letter. The Township Attorney's letter was part of Anderson's staff report and the record of this meeting. Lynd said that inoperable vehicles should be stored behind a fence, and noted that there is no fence on the subject property. Schaffer agreed that fencing should be addressed. Egnatuk said that he does not want to shut down Brown's business; the rest of the Commissioners agreed. Koches and Shaffer discussed possible site plan amendments for compliance with Township Ordinances. The Commissioners discussed continuing the public hearing to allow for Brown to obtain a site plan amendment. The Township Attorney and Shaeffer agreed to discuss the site plan.

Upon motion by Johnson, supported by Gresly, and 5-0 vote, the Planning Commission continued the public hearing to a date certain of January 24, 2024, at 7:00 p.m. at the Marshall Township Hall, 13551 Myron Avery Drive, Marshall, MI 49068 for further consideration and review.

New Business

None.

Public Comment

Jerry Bosserd discussed the Next Era solar project and discussed the review process. Bosserd felt the review process was rushed. Bosserd discussed potholes and blight issues. Glenn Kowalske asked the Planning Commission if it plans to correct misstatements by a Commissioner at a previous Planning Commission meeting. Kowalske asked what happens to solar panel supporting poles that are installed and discussed taking measures to protect the land.

Zoning Administrator's Report

Anderson provided a staff report regarding 14201 H Drive North and summarized it.

Planning Commissioner Comments

Johnson discussed MTA webinars and possible solar preemption. Johnson discussed goals of the master plan.

Adjournment

Upon motion by Lynd, supported by Gresly, and a 5-0 vote, the Planning Commission meeting was adjourned at 8:20 p.m.

s/ T. Seth Koches

Seth Koches, Township Attorney

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

www.michigantownshiplaw.com

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.

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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.

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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.

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J. Thomas Schaefer
August 17, 2017
Page 3 of 3

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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.

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Very truly yours,

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

Roxanne C. Seeber

RCS/rc



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

December 11, 2023

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

Attorney Shaeffer,

We are fast approaching a critical due date for Mr. Brown's hearing, a site plan application, and a review of the site plan. The deadline for submitting a site plan and the application is 30 days prior to the scheduled Planning Commission meeting. December 22, 2023, is the deadline for submission for the January 24, 2024, meeting.

You have already been provided with the meeting minutes, and by the minutes, the Planning Commission will need to revisit the Public Hearing on January 24, 2024, at 7 PM.

Since the office will be closed on December 22, 2023, you will need to make arrangements with me to submit the plans and application. The best way to contact me is via email at paul@marshalltownship.org.

Best Regards,

Paul Anderson
Marshall Township Zoning Administrator

Attachments:
Site Plan Permit Application
Site Plan Review Procedure

C/C: Attorney Koches
Planning Commission

Marshall Township

v.

David Brown's Auto Collision

NOW COMES David Brown and requests that there be an amendment to the site plan of David Brown's Auto Collision at 13333 15 Mile Road, Marshall, Michigan 49068 and states as follows:

1. That, at the public hearing on September 5, 2023 in front of the Marshall Township Planning Board, the Board invited and allowed David Brown's Auto Collision to submit an amended site plan in an effort to satisfy the Township in various ordinances that complaint by the Township had been made.
2. That there was a site plan that was approved by the Township on or about November 7, 1997. A copy of which is attached hereto as Exhibit #1.
3. That part of the complaint was set forth in a letter from the Township dated August 17, 2017. A copy of which is attached hereto as Exhibit #2.
4. That Respondent, David Brown's Collision, hereby submits an amended site plan attached hereto as Exhibit #3.
5. That the intent of the amended site plan is to place behind an 8 ft. fence automobiles that are being worked on and automobiles of employees that will keep them out of the sight of the public. The intent is to put an 8 ft. fence with a solid gate to the south of the building across the blacktop drive to the lot line and to the west sufficient to block out any vision of vehicles to the public. In addition, the site plan would indicate that there would be additional blacktop for parking to the east of the prescribed fence for the parking of

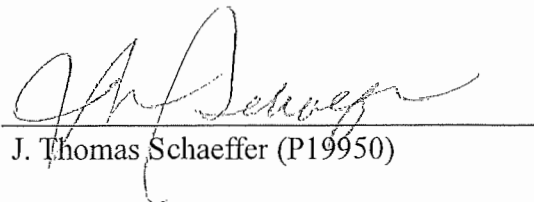
customers and staff on blacktop areas. The 8 ft. fence on the amended site plan is marked by the blue line and the new parking spots are shown by the black area.

6. The intent of this amended site plan is to keep all damaged vehicles and the majority of vehicles behind an 8 ft. fence which, hopefully, will alleviate any concern that the public, or Township, may have and further that additional blacktop will be done to the south of the blacktop area for parking of vehicles to protect any concerns of leakage or runoff.
7. The parking spots outside of the fence are twelve (12) with five (5) additional ones on the south side of the property:

With this amendment to the site plan and the completion of that which is expressed herein, David Brown's Collision submits that he would be in compliance with the various ordinances that are complained about in the letter of August 17, 2017, to wit: Nuisance Ordinance -- junk and debris and Zoning in relation to conditional use permit and vehicle storage and repair.

It is respectfully requested that the Board consider this amendment to the site plan in an effort to bring David Brown's Collision in compliance with all ordinances and to satisfy the Marshall Township Board.

12/21/23
Date


J. Thomas Schaeffer (P19950)

Marshall Township v. David Brown's Auto Collision

EXHIBIT 1

GRASS

BACK DRIVE WAY

GRASS

GRASS

Office

48

40

Front Lawn

Bushes

Black Top

Black Top

11' Red Gate

14' Fence

Drive

15 mile RD.

DAVID BROWN'S
AUTO COLLISION
1333 15 Mile Road
Marshall, Michigan 49068

BUD WRECKER
Approved By Marshall Twp Planning Commission

Buds Fence

Marshall Township v. David Brown's Auto Collision

EXHIBIT 2

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

ATTORNEYS AT LAW

458 WEST SOUTH STREET
KALAMAZOO, MICHIGAN 49007-4621

TELEPHONE (269) 382-4500

FAX (269) 382-2040

www.michigantownshiplaw.com

ROBERT E. THALL
ROXANNE C. SEEGER
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.

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August 17, 2017
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Very truly yours,

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

Roxanne C. Seeber

RCS/rc

Marshall Township v. David Brown's Auto Collision

EXHIBIT 3

GRASS

BACK DRIVE WAY

GRASS

GRASS

Office

48

40

Front Lawn

Bushes

Black Top

Black Top

Drive

15 mile RD.

DAVID BROWN'S
AUTO COLLISION
13333 15 mile road
Marshall, Michigan 49668

BUD WRECKER
Approved By Marshall Twp Planning Commission

Buds Fence

14' Fence

11' x 11' hole

16' x 10' hole

5' x 10' hole

10' x 10' hole

10' x 10' hole

10' x 10' hole

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Amended Site Plan Permit

I. Application

A. PROPERTY AND PROJECT INFORMATION

Property Address 13333 15 mile RD MARSHALL MI 49068
Parcel Number _____ Zoning District _____
Lot Size Frontage: _____ ft Depth: _____ ft Area: 6.8 Acres/Sq Ft ☐ Rectangle ☒ Irregular
Current use of property Body Shop
Proposed use of property _____
Number of existing parking spaces on site 12

Will the proposed use include any of the following activities? (Check all that apply)

- | | |
|---|---|
| <input type="checkbox"/> Construction of a new building | <input type="checkbox"/> Increase in residential density |
| <input type="checkbox"/> Expansion of an existing building | <input type="checkbox"/> Construction/expansion of a new parking area |
| <input type="checkbox"/> New/expanded use within an existing building | <input type="checkbox"/> Construction of an accessory building |
| <input type="checkbox"/> Demolition of an existing building | <input type="checkbox"/> Other _____ |

B. APPLICANT INFORMATION

Applicant

Identify the person or organization responsible for the application:

Name DAVID BROWN Title OWNER
Organization Body Shop Cell Phone 269-317-9167
Mailing Address 13333 15 mile RD Business Phone 269-781-5429
City MARSHALL State MI Zip 49068 E-Mail DAVIDBROWN@tast.net

The Applicant must have a legal interest in the subject property:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Property Owner | <input type="checkbox"/> Purchaser by Option or Purchase Agreement |
| <input type="checkbox"/> Purchaser by Land Contract | <input type="checkbox"/> Lessee/Tenant |

Property Owner ☒ Check here if Applicant is also Property Owner
Identify the person or organization that owns the subject property:

Name _____ Title _____
Organization _____ Cell Phone _____
Mailing Address _____ Business Phone _____
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Organization _____ Cell Phone _____
Mailing Address _____ Business Phone _____
City _____ State ____ Zip _____ E-Mail _____

C. REQUEST AND AFFIDAVIT

The applicant must read the following statement carefully and sign below:

The undersigned requests that Marshall Township review this application and related required documents and site plans as provided in Article 12 of the Marshall Township Zoning Ordinance. The applicant further affirms and acknowledges the following:

- ☐ That the applicant has legal interest in the property described in this application.
- ☐ That the answers and statements contained in this application and enclosures are in all respects true and correct to the best of his, her or their knowledge.
- ☐ That the approval of this application does not relieve the undersigned from compliance with all other provisions of the Zoning Ordinance or other codes or statutes, and does not constitute the granting of a variance.
- ☐ That the applicant will comply with any and all conditions imposed in granting approval of this application
- ☐ If also the owner, the applicant grants Marshall Township staff and the Planning Commission the right to access the subject property for the sole purpose of evaluating the application.

Applicant Name (printed)

Applicant Signature

Date

If the applicant is not the property owner, the property owner must read and sign below:

The undersigned affirms and acknowledges that he, she, or they are the owner(s) of the property described in this application, and:

- ☐ Is/are aware of the contents of this application and related enclosures.
- ☐ Authorizes the applicant to submit this application and represent the undersigned in the matter being reviewed by Marshall Township.
- ☐ Grants Marshall Township staff and the Planning Commission the right to access the subject property for the sole purpose of evaluating the application.

Property Owner Name (printed)

Property Owner Signature

Date

Deadline 21 days prior to scheduled meeting.

Pre-Application Meeting Prior to submitting a formal application, a landowner or project applicant is encouraged schedule a pre-application meeting with the Zoning Administrator. A site development sketch plan shall be provided for review during this meeting. The purpose of this meeting will be to discuss the proposed development project as it relates to the zoning requirements and review standards. Additionally, the Zoning Administrator shall outline the site plan review and approval process.

Submittal Section 12-8 C

1. Content. The applicant shall submit a site plan application along with fees and all materials required as part of the site plan.
2. Deadline. All materials shall be submitted to the Zoning Administrator by the deadline for Planning Commission consideration, a schedule of meeting dates and deadlines published annually.
3. Copies. Three (3) copies of full size, sealed prints and an electronic version of the file (PDF) that can be printed in smaller formats are required at the initial submittal deadline. A final set of up to 12 full sized, sealed prints and an electronic version are required at a secondary deadline.

Review The Zoning Administrator and all applicable reviewing authorities, including but not limited to the township's attorney, planner, engineer, fire marshal and building official, shall review the application and associated materials and the Zoning Administrator shall prepare final report for Planning Commission's review. The staff report and application materials shall be distributed to the Planning Commission prior to the meeting.

Planning Commission Action The Planning Commission shall review the application against the requirements of this ordinance, the review standards of this article, and the review standards for special land use permits, if applicable. Except for condominium projects, the Planning Commission shall table, deny, approve or approve with conditions, all plans received. The Planning Commission shall provide recommendations on condominium developments.

Township Board Action When applicable the Township Board shall review condominium developments against the requirements of this ordinance, the review standards of this article if applicable. The Township Board shall deny, approve or approve with conditions, all condominium plans received.

Required Content Site plans shall be professionally prepared by a licensed engineer. If approved by the Zoning Administrator, site plans may be prepared by a professional architect, surveyor, or landscape architect (Section 12-8 D).

Information

- ☐ Name and firm address of the professional individual responsible for preparing site plan and professional seal.
- ☐ Name and address of the property owner or petitioner.
- ☐ Scale, north arrow and date.
- ☐ Acreage, gross and net.
- ☐ Zoning of adjacent properties.
- ☐ Legal property description.

Existing Conditions

- ☐ Boundary survey lines and required setbacks.
- ☐ Location sketch showing site, adjacent streets, and properties within 200 feet.
- ☐ Location, width and purpose of all existing easements.
- ☐ Abutting street right-of-way and width.
- ☐ Topography with contour intervals of no more than two (2) feet.

Site Planning

- ☐ Proposed buildings, structures, fences, light poles, driveways, parking lots, landscaped areas, and other physical infrastructure, as applicable.
- ☐ Recreation areas, common use areas, dedicated open space, and areas to be conveyed for public use.
- ☐ Layout and typical dimensions of proposed parcels and lots, of applicable.
- ☐ Parking calculations.
- ☐ Landscape and lighting plans.
- ☐ Proposed landscape materials, location, size, type, and calculations.
- ☐ Photometric plan.

Infrastructure and Site Development

- ☐ Water, sewer, well, and septic, as applicable. Connections to existing lines, as applicable.
- ☐ Location, connections, and spacing of fire hydrants.
- ☐ Location and type of all proposed surface water drainage and stormwater facilities.
- ☐ Grading plan at no more than two (2) foot contour intervals.
- ☐ Proposed streets, parking areas, and driveways, including cross-sections with pavement width, materials, and easement or right-of-way dimensions, as applicable.

Building Details

- ☐ Exterior elevations, showing building height and describing building materials.
- ☐ Gross and usable floor area and floor plans.

Supplemental Information

- ☐ Project description and brief narrative description of the project including proposed use, existing floor area (square feet), size of proposed expansion (square feet), and any change in the number of parking spaces.
- ☐ Any other information required by the Zoning Administrator or Planning Commission to demonstrate compliance with other applicable provisions of this ordinance.

Approval of the site plan shall be granted only if the site plan meets all applicable requirements set forth in Section 12-9. Unless a more specific design standard is provided for in the Zoning Ordinance, all uses, sites and structures subject to plan review shall comply with the following standards:

Standard #1 Master Plan Proposed uses and development activity shall be substantially consistent with the Marshall Township Master Plan.

Standard #2 Connectivity Pathways for bicycles and pedestrians shall be incorporated throughout the development and along all perimeter streets to ensure connectivity between uses and with adjacent properties.

Standard #3 Traffic Circulation The number, location, size of access and entry points, and internal vehicular and pedestrian circulation routes shall be designed to promote safe and efficient access to and from the site, and circulation within the site. In reviewing traffic features, the number, spacing, and alignment of existing and proposed access points shall be considered relative to their impact on traffic movement on abutting streets and adjacent properties.

Standard #4 Interior Street Connectivity Public or private streets may be required to be extended to exterior lot lines to allow connection to existing or planned streets on adjacent parcels, to provide for secondary access, continuity of the circulation system and to reduce traffic and impact to the transportation network.

Standard #5 Natural Resource Protection

- a. Natural Features. Site design shall prioritize the preservation of natural features, such as steeper slopes, wetlands, significant hardwood tree stands, streams and other significant site characteristics. Applicants must demonstrate how alternatives were considered during the planning process.
- b. Connections. If the development site contains high quality natural areas that connect to other off-site areas of a similar nature, the development plan shall preserve such connections. Such connections shall be maintained to allow for the continuance of existing wildlife movement between natural areas and to enhance the opportunity for the establishment of new connections between areas for the movement of wildlife. Breaks or gaps in wildlife movement corridors should be minimized and when possible re-established using appropriate native vegetation.
- c. Surface Water Features. If the development site contains a lake, pond or stream, the development plan shall include such enhancements and restoration as are necessary to provide wildlife habitat and improve aesthetic quality in areas of shoreline transition and areas subject to wave or streambank erosion. The development plan shall also include a design that requires uniform and ecologically and aesthetically compatible treatment among the lots or tracts surrounding a lake, reservoir, pond or stream with regard to the establishment of erosion control protection and shoreline landscaping on or adjacent to such lots or tracts.
- d. Site Disturbance. Site disturbance shall be minimized and shall be demonstrated by the applicant in the following manner:
 - I. Identify minimal disturbance areas and no disturbance areas on site plan and construction drawings. Minimal and no disturbance areas must be protected by having the limits delineated, flagged and fenced in the field. Notes to this effect must be included on construction drawings. Areas to prioritize include significant stands of mature trees, notable wildlife habitat, sensitive or

protected plant life or natural features, significant viewsheds, and other resources deemed by the township, county, state, or federal government as unique, significant, and/or protected.

- II. No disturbance areas must not be subject to grading or movement of existing soils. Existing vegetation must be present in a healthy condition. Invasive vegetation may be removed.
- III. Minimal disturbance areas must not be subject to excessive equipment movement. Vehicle traffic and storage of equipment and/or materials is not permitted.
- IV. Pruning or other required maintenance of vegetation is permitted. Additional planting with site appropriate plants, including turf grass is permitted.
- V. No work shall occur until protective fencing is set up and until a pre-clearing inspection and/or written township approval is provided.

Standard #6 Natural Flow Pathways Natural flow pathways shall be avoided to the maximum extent practical. The applicant shall demonstrate the following:

- a. Identify all existing natural flow pathways on site plan. Site plans must include existing topography and natural features so that these areas can be identified.
- b. Natural flow pathways to be protected must have the limits delineated/flagged/ fenced in the field. Notes to this effect must be included on construction drawings.

Standard #7 Stormwater Stormwater detention and drainage systems shall be designed so the removal of surface waters will not adversely affect neighboring properties or public stormwater drainage systems and shall mimic predevelopment conditions. H. Landscaping. The landscape shall be preserved in its natural state, insofar as practicable, by minimizing unnecessary tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas. Provision or preservation of landscaping may be required to ensure that the proposed uses will be adequately buffered from one another and from surrounding property.

Standard #8 On-Site Treatment Land use intensity shall be scaled appropriately based on the capability of on-site systems to adequately accommodate usage. On-site treatment systems shall be designed to protect groundwater and surface water quality to the maximum extent possible.

Standard #9 Utility Service All utility service shall be underground, unless impractical.

Standard #10 Exterior Uses Exposed storage areas, machinery, heating and cooling units, service areas, loading areas, utility buildings and structures, and similar accessory areas shall be located to have a minimum negative effect on adjacent properties, and shall be screened, if reasonably necessary, to ensure compatibility with surrounding properties.

Standard #11 Emergency Access All buildings and structures shall be readily accessible to emergency vehicles. Prior to approval or as a condition of approval, building layouts, internal circulation and other site characteristics that affect life safety shall be reviewed and approved by the appropriate public safety official or fire marshal.

Standard #12 Water and Sewer Water and sewer installations shall comply with all township, county and state specifications and requirements.

Standard #13 Building Design To the maximum extent reasonable, new or substantially remodeled buildings shall be reasonably compatible in appearance with, or shall enhance, the established general character of other buildings in the immediate vicinity or development.

affixed to the construction not conforming to the ordinance requirements and such posting shall be considered as service upon and notice to the permit holder of the cancellation thereof; no further work upon said construction shall be undertaken or shall be permitted until the issuance of a new permit after reapplication therefore in accordance with the provisions of this ordinance. Failure of the permit holder to make proper notification of the time for inspection shall automatically cancel the permits requiring the issuance of new permits before construction may proceed.

6. Following the final inspection of the lot, building or structure and the finding of the Building Inspector that said lot, building or structure or use thereof is in conformance with the applications and information on file and meets the requirements of this ordinance, the Building Inspector shall issue an Occupancy Permit therefore.

Section 12-5 Completeness Review

- A. *Requirement.* All application submissions must be complete prior to processing by the Zoning Administrator.
 1. Complete Applications. A complete application includes all the submittal information identified on the application form, unless waived, and any items or exhibits requested by the Zoning Administrator that are consistent with the standards and requirements of the Zoning Ordinance.
 2. Incomplete Applications. An applicant shall be informed of an incomplete application. The Zoning Administrator shall identify the documents, specifications, and other information needed to make the application complete. An incomplete application that has not been revised to meet the completeness requirements shall be considered expired on the 30th day after the original submission of the application. The township may retain the application fee paid after this time period. Following an expired application, any additional or further requests by the applicant must be accompanied by a new application and fee. If the application for an item that requires review by the Planning Commission is remains incomplete on the deadline for the meeting, the request will not be scheduled on the agenda.

Section 12-6 Plan Types

- A. *Classification.* Site plan reviews are classified by two levels based on the extent of the proposed development.
- B. *Level "A" Review.* The Zoning Administrator shall review site plans in accordance with *Section 12-7* and in connection with the creation of a use or the erection of a building or structure in any of the following circumstances:
 1. Principal and accessory buildings less than 2,000 square feet that will accommodate a use permitted by right.
 2. Additions to existing buildings less than 2,000 square feet.
 3. Expansion of parking areas five (5) spaces or less.
 4. Exceptions:
 - a. When, in the opinion of the Zoning Administrator, a project which otherwise qualifies for level "A" site plan review may have a negative impact on surrounding properties, the Zoning Administrator may, at his/her discretion, submit the site plan to the Planning Commission for review. In such cases, the Planning Commission shall follow the review procedure for level "B" site plans and may require any additional information needed to make an informed decision.
 - b. When, in the opinion of the Zoning Administrator and Planning Commission Chairman, a project which otherwise qualifies as level "B" site plan review, does not necessitate additional stormwater management, major site preparation, landscaping, or major utility expansion, the plan may be reviewed and approved administratively. This shall not apply to special land uses.
- C. *Level "B" Review.* The Planning Commission shall act upon all site plans, other than those provided for as level "A" review, in accordance with *Section 12-8* and in connection with the creation of a use or the

From: [Paul Anderson](#)
To: [Seth Koches](#)
Subject: David Brown Site Plan
Date: Friday, January 5, 2024 7:31:00 PM
Attachments: [Site Plan Permit.pdf](#)
[David Brown 1-2-24.pdf](#)
[Brown Org & New Site-Plans.pdf](#)

Seth,

This application is incomplete.

A licensed engineer shall professionally prepare required Content Site plans. If approved by the Zoning Administrator, site plans may be prepared by a professional architect, surveyor, or landscape architect (Section 12-8 D). (not done)

The applicant must read the following statement carefully and sign below. (not done)

The plan is unclear! A proper site plan would designate the current and new parking spots with the correct size. From Mr. Shaffer, "the majority of vehicles behind an 8 ft. fence which, hopefully, will alleviate any concern that the public, or Township, may have and further that additional blacktop will be done to the south of the blacktop area for parking of vehicles to protect any concerns of leakage or runoff." "The parking spots outside of the fence are twelve (12) with five (5) additional ones on the south side of the property."

-

The original site plan was for 14 parking spaces outside the fence; Attorney Schaefer refers to 17 parking spaces, which is not clearly indicated in the submitted site plan.

Attorney Schaefer "In addition, the site plan would indicate that there would be additional blacktop for parking to the east of the prescribed fence for the parking of customers and staff on blacktop areas."

-

It also infers that there will be parking behind the new fence. That area is not designated and does not depict the surface in that parking/storage area.

In conclusion, the application is incomplete and should be returned to the applicant for the proper submission of the site plan. By having it done the site plan done by a licensed engineer shall professionally prepare the required Content Site plans. They will review the ordinance and design the site plan to comply with the Marshall Township Ordinance.

Seth, If you concur, I would like a letter to be sent and faxed to Attorney Schaefer informing him of my finding.

The Planning Commission will have to meet on January 24, 2024, because it was the date certain. I recommend that the PC require Mr. Brown to submit a site plan done by a licensed engineer, professionally prepare the required Content Site plans, and complete the application. To a date certain May 7, 2024, to give Mr. Brown adequate time to submit the proper plans to me for review before the May 7, 2024, meeting.

Best Regards,

-

Paul Anderson

Marshall Township

Zoning Administrator

13551 Myron Avery Dr.

Marshall, MI 49068

(269) 781-7976 Fax (269) 781-4403

Web Site: www.marshalltownship.org

Email: paul@marshalltownship.org

Office Hours Mon~Wed 9 AM to 3:30 PM and closed a half an hour for lunch. All Payments can be dropped off at the dropbox in the front of the office or paid online (a 3% fee applies)

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