

**MARION TOWNSHIP PLANNING COMMISSION**  
**REGULAR MEETING MINUTES**  
**APRIL 23, 2019 / 7:30PM**

**MEMBERS PRESENT:** LARRY GRUNN – *CHAIRPERSON*  
BOB HANVEY  
BRUCE POWELSON – *VICE CHAIR*  
CHERYL RANGE – *SECRETARY*  
JAMES ANDERSON

**OTHERS PRESENT:** DAVE HAMANN – ZONING ADMINISTRATOR

**CALL TO ORDER:**

Larry Grunn called the meeting to order at 7:30 p.m.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA:**

***Regular Meeting Agenda for April 23, 2019***

Cheryl Range motioned to approve the agenda for April 23, 2019. Jim Anderson seconded. **Motion carried.**

**APPROVAL OF MINUTES:**

***Approval of the Regular Meeting Minutes for March 26, 2019***

Chery Range motioned to approve the minutes from March 26, 2019 with the grammar corrections recommended by Bruce Powelson. Jim Anderson seconded. **Motion carried.**

**CALL TO THE PUBLIC:**

Tim Ryan resides at 459 East Davis Road. Tim Ryan explained how Rob Rochowick is a very nice man and seems to be a good, honest and decent guy. However there are still some issues that need to be addressed such as our property draining onto their property and by law he needs to take care of that drainage.

Evelyn Markarian resides at 4077 Cedar Lake Road. She is hoping that some progress has been made regarding shared driveways in Marion Township. Currently the entry to her property is on the south end of her lot. It was

put there because their lot is a flag lot. They would like to move the location of their driveway and allow the parcel next to them, to have a shared driveway with them. That is why they were hoping some progress has been made on the current language involving shared driveways within the Township.

## **NEW BUSINESS:**

### **1) Pre-Application Review for Howell Landscaping Nursery**

Dave Hamann started the pre-application process last month. This is not meant to be a site plan review at all. It allows the applicant to get feedback and direction so the applicant can prepare for their upcoming site plan review. All applicants should still have to go through a preliminary and a final review unless it is something simple, then the PC Board can decide that a preliminary is not required.

Rob Rochowick explained that originally a 40x80 barn was what the Township approved back when Eddie ran Howell Landscaping. Instead Eddie built a 40x40 barn which is much smaller than what was approved. Rob would like to do a 60x100 instead of the 40x80 that was originally approved. Rob is trying to be respectful of the Township and his neighbors. Moved his trucks to eliminate some of the noise. He has spoken to MDEQ and they have no problem with the size of the barn. He has spoken to Ken Recker about the water drainage and they will be changing the direction of the water drainage to benefit the neighbors. Rob explained that he is trying to do things properly but wants to move forward with this.

Larry Grunn asked if he would be using the barn for his trucking company.

Rob said that his business is not a trucking company and that it is a Landscape/Supply Nursery that picks up and delivers material just like every other landscape nursery.

Larry Grunn said that it seems like he is trying to run his trucking company in secret and covering it up with a landscape nursery.

Rob said that he is here today to apply for a permit for a pole barn. It has nothing to do with the trucks that he uses for his landscape business. He said that Larry accusing him of having a trucking company is strictly his opinion but that his business is a landscape/nursery operation.

Bob Hanvey asked Rob if he is planning on parking his trucks in the pole barn.

Rob said that he may park them in there in the winter time but mainly just his loader, tree baskets and other landscaping equipment.

Rob said that in the future he would like to have some greenhouses. He is not sure how many or where exactly he would put them but possibly on his residential lot.

Bob said he is not sure how that would work.

Dave said that he would be allowed to have an accessory structure on his residential lot over 200 feet to grow things but is not sure how that would work since Rob would be using the greenhouses for his business.

Dave said that the 801B3 definition that was created by the ZBA for Landscaping/Nursery operations, is what Dave has to go by.

Bob said that the pole barn may not be allowed to store Rob's trucks.

Rob said that he doesn't have to put his trucks in the pole barn if that is going to be an issue.

Rob asked what Eddie was allowed to have trucks for his landscaping operation.

Cheryl Range asked if Eddie was the one who obtained verbal permission for his operation and asked if this was the case in which the Township cannot locate any actual paperwork on.

Dave said that this was originally a use by right and Eddie was required to come before the Planning Commission with a plot plan and required to do a split. That is what the Planning Commission asked for in 2001.

Rob said that in 2016 Mr. Witt said that he came in and was told if he split his property he could build an accessory structure.

Jim Andersen asked how many trucks Rob has.

Rob said that he has four trucks but only three drivers. Some weeks, none of the trucks even leave the yard. It depends on the orders and the weather. Rob reminded the Planning Commission members that he is here to ask for a pole barn, not to discuss the trucking issues. Rob feels that other companies are doing the same thing within the Township and no one is going after them. Sometimes Rob will have a direct ship order and those trucks will pick up material from the plant and go directly to the job site.

Bob is concerned with the percentage of material that is and isn't grown on site. If Rob builds his greenhouses on his residential lot and starts growing material in them for his business, then technically that material isn't grown on the business lot. Bob is unsure if that material would count towards the percentage.

Rob said that Eddie did not grow anything on site, so why does it even matter?

Dave said that when you change anything involving the size of the current accessory structure, then you have to bring things up to the current standards. Such as the drainage issues on that lot.

Larry said that the driveway is under water for most of the year.

Rob said that he wishes someone would have told him that these were going to be issues, when he purchased the property.

Dave said that this is a pre-application process and the main focus tonight was to provide direction and guidance regarding Rob's final site plan review.

Larry does not think that Rob should be allowed to have this pole barn.

Bob said that Rob's business is close to what our ZBA definition says without the trucking company.

Larry asked what we can do to leave the trucking company out of everything.

Bob said that, the trucking company is a separate issue from the pole barn.

Rob said that it has been over a year since he originally asked for this pole barn. He doesn't understand why he is being denied something that many others in the Township already have.

Cheryl Range said that they have been working on this language for a long time now. It is not just directed at Rob and there are a lot of things to consider when creating language for something like this. We are trying to keep things rural and clean within the Township.

Rob said that his business is very clean and he takes pride in the appearance of his business. He has always been considerate his neighbors and also to others within the Township. There are other businesses within the Marion Township that look like junk yards. One of the Township Board members property looks like a junk yard and no one has ever said anything to him about it. Nor have any permits ever been pulled for the equipment being stored in his yard. I am trying to do the right thing by coming before the Township and I am still getting denied.

Bob said that it is unlikely that we are going to get through this with only one site plan review.

Rob asked if he was going to have to wait another 1-2 years to build his barn.

Bob said that Rob is in a rural residential area and that this is a use permitted by right.

## **2) Nuisance Ordinance Verbiage**

Jim Andersen asked how the Township would be able to enforce this ordinance. His neighbor complains about different noises all the time. How are we going to be able to enforce any of this stuff?

Greg Durbin said that you have to be careful that you are not being too specific about these things. The only way to enforce these things is if you call the police. But if someone calls the police about a motorcycle and the police shows up but doesn't actually see the motorist committing the crime or breaking the ordinance, then there is nothing that the police officer can do. Technically any elected official can enforce an ordinance. Enforcement can be a simple discussion or demanding that the resident stop what they are doing. Bob said that the language Cheryl drafted doesn't explain how someone actually files a complaint. It discusses what happens once a person files a complaint but not how someone would file a complaint.

Bruce Powelson motioned to review and list some suggestions and postpone further discussion until the meeting on May 28. Cheryl Range seconded. **MOTION CARRIED.**

## **OLD BUSINESS:**

### **1) Marion Township Engineering Standards**

#### ***TXT #01-18 6.20 Private Roads***

Michael Markarian resides at 4077 Cedar Lake. Michael said that they have an oddly shaped flag lot. They would like to put in a shared driveway with 4121 Cedar Lake Road and their current driveway would go away. Evelyn Markarian said that she was hoping the Township made some progress on the language involving shared driveways so they could move forward with this. They originally started thinking about this back in 2016. She used to help enforce a private road agreement in another jurisdiction so she is familiar with the process and would be willing to do that again if that was required.

Larry said that the Township normally does not allow shared driveways but if a private road agreement is in place then it might be an option.

Dave said that John and Phil are currently working on this language. Phil is supposed to have the second part of the engineering standards available but John could not attend the meeting tonight.

Larry asked if they would have to request a variance.

Dave said that if they don't want to wait for the Planning Commission then they could go to the ZBA and ask for a variance.

Evelyn said that they had inquired about this a while back and this was the best solution they could come up with. They don't want a driveway running through the back yard of 4121 Cedar Lake. That's why they want to do a shared driveway and they hope that the Planning Commission can move forward with the language, allowing them to do so.

Cheryl Range motioned to postpone this topic until the meeting on May 28, 2019. Bruce Powelson seconded. **MOTION CARRIED.**

### **2) TXT #03-18 Home Occupation**

Cheryl Range motioned to postpone this topic until the meeting on May 28, 2019, when Phil Westmorland and John Enos are present. Bob Hanvey seconded. **MOTION CARRIED.**

### **3) TXT #07-17 Proposed Lot Changes**

Cheryl Range motioned to postpone this topic until the meeting on May 28, 2019. Bruce Powelson seconded. **MOTION CARRIED.**

#### **4) Wellhead Protection Overlay District Replacing 6.27 Review**

Cheryl Range motioned to postpone this topic until the meeting on May 28, 2019. Bob Hanvey seconded.  
**MOTION CARRIED.**

#### **CORRESPONDENCE AND UPDATES:**

#### **CALL TO THE PUBLIC:**

Les Anderson resides at 4500 Jewel Road. Les said that Howell Landscaping doesn't qualify for an accessory structure, for commercial use, in a residential area.

Dave said that in a residential it would be a use by right. No personal items could be stored in there and the current building would only be allowed to store Ag related items.

#### **ADJOURNMENT:**

Cheryl Range made a motion to adjourn the meeting at 9:38pm. Jim Anderson seconded. **Motion carried.**