

**HOWELL TOWNSHIP PLANNING COMMISSION
REGULAR MEETING**

3525 Byron Road
Howell, MI 48855
February 24, 2026
6:30 pm

1. Call to Order
2. Roll Call: () Wayne Williams - Chair () Matt Stanley
 () Robert Spaulding – Vice Chair () Trent Holman
 () Sharon Lollo – Secretary () Cory Alchin
 () Tim Boal – Board Rep.
3. Pledge of Allegiance
4. Approval of the Agenda:
 Planning Commission Regular Meeting: February 24, 2026
5. Approval of the Minutes:
 Regular Meeting January 27, 2026
6. Call to the Public:
7. Zoning Board of Appeals Report:
8. Township Board Report:
 Draft Meeting Minutes February 9, 2026
9. Ordinance Violation Report: January Permit List and Ordinance Violation Report
10. Scheduled Public Hearings:
11. Other Matters to be Reviewed by the Planning Commission:
 - A. MSU Extension - Planning and Zoning Brief
 - B. Zoning Case Law Review – Fahey Schultz Burzych Rhodes
 - C. Conway Township Master Plan Review Letter
12. Business Items
 - A. Old Business:
 - B. New Business:
 1. Michigan Underground Specialists (Ditch Witch), PC2026-02, 3401 W. Grand River Ave., Parcel # 4706-28-200-040, Preliminary Site Plan Review
 2. Zoning Ordinance Update – Layout and Schedule
13. Call to the Public:
14. Adjournment

**HOWELL TOWNSHIP PLANNING COMMISSION
REGULAR MEETING MINUTES**

3525 Byron Road Howell, MI 48855

January 27, 2026

6:30 P.M.

MEMBERS PRESENT:

Wayne Williams	Chair
Robert Spaulding	Vice Chair
Sharon Lollo	Secretary
Tim Boal	Board Representative
Matt Stanley	Commissioner
Trent Holman	Commissioner
Cory Alchin	Commissioner

MEMBERS ABSENT:

ALSO IN ATTENDANCE:

Township Planner Brady Heath, SC Develop LLC. representative Steve Schimpke and Zoning Administrator Jonathan Hohenstein

Chairman Williams called the meeting to order at 6:30 pm. The roll was called. Chairman Williams requested members rise for the Pledge of Allegiance.

APPROVAL OF THE AGENDA:

Motion by Stanley , **Second** by Spaulding, **“To move New Business Item B in front of item A.”** Motion carried.

APPROVAL OF THE MEETING MINUTES:

December 15, 2025

Vice Chairman Spaulding requested that the comment he made on the County Master Plan be moved to the County Planning Fall Summary. **Motion** by Boal, **Second** by Spaulding, **“To approve the minutes as presented with Rob’s addition”** Motion carried.

CALL TO THE PUBLIC

Angela Barbash, 4211 Crandall- Spoke on Data Center Ordinance moratorium and fiscal management

Chuck Smith, 5136 Fleming Rd- Spoke on opposition to Data Centers

Todd Kozakiewicz, 6205 Raddatz- Spoke on opposition to Data Centers

ZONING BOARD OF APPEALS REPORT:

None

TOWNSHIP BOARD REPORT:

Minutes in packet from December 2025 and January 2026. Board Representative Boal gave an overview. Trustee Fagans resignation was approved, approval of Zoning Ordinance updates, Trent Holman and Cory Alchin were appointed to the Planning Commission Board, review of the Tooley Rd. park plan was tabled until next month and Rezoning request on Tooley Rd. was denied.

ORDINANCE VIOLATION REPORTS:

Report in packet. Secretary Lollo questioned violation on 5057 Warner Rd. and Vice Chair Spaulding questioned violation at 4141 W. Grand River Ave. and if there were any updates on Wranglers site. Zoning Administrator Hohenstein explained process of the violations and answered questions.

SCHEDULED PUBLIC HEARINGS:

None

OTHER MATTERS TO BE REVIEWED BY THE PLANNING COMMISSION:

Officer Selection per Section 2 of the Planning Commission By-laws. **Motion** by Boal, **Second** by Holman, **“To maintain our current structure and have Wayne Williams as our chair, Rob Spaulding as our Vice Chair and since Mike is no longer here, have Sharon Lollo as our Secretary and this is all dependent upon if the applicants are actually willing to accept that.”** Motion carried.

NEW BUSINESS:

A. Agape City Church, PC2025-28, 4706-28-400-017, Vacant Grand River Ave., Amendment to Approved Site Plan- Township Planner Heath gave an overview of the request. The original plan was approved in April of 2025. The applicant is requesting approval to add two construction phases to the previous approved site plan. Phase one will include the multipurpose gathering space with a total of 133 parking spaces. Phase two will include the construction of permanent worship/sanctuary space and the remaining 133 parking spaces. All stormwater, utilities and site infrastructure will be built in phase one to support the full build out. Chairman Williams questioned if this is just scheduling change and no structural changes. Board Representative Boal questioned if previous approval was the Preliminary and Final Site Plan Review. Steve Schimpke from SC Develop gave his overview of the project and answered questions. Vice Chair Spaulding questioned if the meeting space they are proposing for phase one will have any occupancy issues with their current congregation. Commissioner Stanley questioned what future parking in phase two will look like when finishing phase one. Discussion followed. **Motion** by Boal, **Second** by Spaulding with a friendly amendment, **“To approve the Agape amendment to the previously approved site plan PC2025-28 approval of phase one preliminary site plan and final with phase one subject to administrative and planner review.”** Motion carried.

OLD BUSINESS:

B. Data Center Ordinance- Discussion, Citizen Research Committee Report. Resident Research Committee presented three different topics to be discussed and answered questions from the board. Topics included are list of definitions, Data Center Zoning District, and Additional Siting Requirements. The committee feels the Industrial Flex and Industrial Zone would be the appropriate designations for a Data Center. A suggested overlay district was proposed and other sites that could be incorporated. Planner Heath reviewed topics. The Planning Commission could provide direction of language for the Data Centers and Carlisle Wortman Associates would format the information to fit into the zoning language. If an Overlay District is created that would require the zoning map to be updated and prior to any official action a Public Hearing will need to happen. Charmain Williams questioned if utility impact would be researched and presented. Vice Chair Spaulding questioned if arbitrarily a fee can be created for Data Centers to cover costs, if an Overlay district is needed, how much real estate is available in the proposed district and if there are any vacant parcels available, does square footage of the facilities include battery storage and other accessory structures and what is considered average consumption with High Load Use definition. Board Representative Boal questioned why megawatts vs square footage is used for different size data centers, are there any situations where NSC or RSC zoning would also be appropriate for Data Centers and if the Township is required to provide high tension lines to Data Centers. Discussion followed. A subcommittee was created that included

Township Planner Heath, Board Representative Boal, Chair Williams and members of the Resident Research Committee.

CALL TO THE PUBLIC:

Chuck Smith, 5136 Fleming Rd- Spoke on decibels of Data Centers and Energy Development concerns

ADJOURNMENT:

Motion by Spaulding, **Second** by Holman , **“To adjourn.”** Motion carried. The meeting was adjourned at 9:30 P.M.

Date

Sharon Lollo
Planning Commission Secretary

Marnie Hebert
Recording Secretary

DRAFT

**HOWELL TOWNSHIP REGULAR BOARD
MEETING MINUTES**

3525 Byron Rd. Howell, MI 48855

February 9, 2026

6:30 P.M.

MEMBERS PRESENT:

Sue Daus	Clerk
Jonathan Hohenstein	Treasurer
Matthew Counts	Trustee
Tim Boal	Trustee
Bob Wilson	Trustee

MEMBERS ABSENT:

Mike Coddington	Supervisor
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Also in Attendance:

Joe Verlin – Gabridge and Company
Deputy Supervisor Kilpela
23 people signed in

Clerk Daus called the meeting to order at 6:30 p.m. The roll was called. Clerk Daus requested members rise for the Pledge of Allegiance.

CALL TO THE BOARD:

Treasurer Hohenstein requested that Agenda Item 7-A, Tooley Road Park Plan and Polling Place Discussion be moved to follow Agenda Item 8-G.
Clerk Daus asked whether any Board member wished to preside over the meeting. Trustee Boal volunteered to do so. **Motion** by Hohenstein, **Second** by Daus, **“To have Tim Boal act as Chair.”** Motion carried.

APPROVAL OF THE AGENDA:

February 9, 2026

Motion by Hohenstein, **Second** by Counts, **“To accept the agenda as amended.”** Motion carried.

APPROVAL OF BOARD MEETING MINUTES:

January 12, 2026

REGULAR BOARD MEETING MINUTES

Motion by Hohenstein, **Second** by Daus, **“To accept the minutes from January 12th as presented.”** Motion carried.

CALL TO THE PUBLIC:

Dan Bonello, 3531 Warner Rd.: Spoke in support of Jodi Fulton as Township Trustee

Angela Barbash, 4211 Crandall Rd.: Spoke on concentration risk, Data Centers, Space X

UNFINISHED BUSINESS:

- A. Tooley Rd. Park Plan and Polling Place Discussion
The Board engaged in discussion regarding the options available to the Township should it decide to move forward with the Park Plan and Polling Place project. Various potential courses of action were considered. Deputy Supervisor Kilpela reviewed the associated financial options, outlining funding sources, projected costs, and the potential budgetary impact to the Township. **Motion** by Counts, **Second** by Daus, **“To accept the proposal from Carlisle Wortman for Howell Township Municipal Complex Master Plan Work Plan.”** Motion carried. 2 dissents.

NEW BUSINESS:

- A. Financial Audit – Gabridge & Company
Joe Verlin of Gabridge & Company presented an overview of the Township’s Financial Report for the year ended June 30, 2025, and stated that Howell Township is in a healthy financial condition. Discussion followed.
- B. Offer to purchase 4706-22-100-014, Vacant 22- Acres on the corner of Tooley and Bowen
The Board discussed the clerical errors identified in the agreement and agreed that they needed to be corrected. Discussion followed. **Motion** by Counts, **Second** by Daus, **“To approve the land purchase agreement dated January 12, 2026, between Elmhurst Street LLC and Howell Township for the purchase price of \$228,000.00, and full payment of the special assessments as noted in the contract, and a \$21,000.00 deposit.”** Discussion followed. Motion carried. 2 dissents.
- C. Appointment to Trustee Open Seat
Trustee Boal invited the applicants who applied for the Board of Trustees seat to stand and introduce themselves. Curt Hamilton introduced himself and answered questions from the Board. Lance Powell introduced himself and answered questions from the Board. John Marhofer introduced himself and answered questions from the Board. Laura Wilkerson introduced herself and answered questions from the Board. Jodi Fulton introduced herself and answered questions from the Board. **Motion** by Boal, **Second** by Hohenstein, **“To appoint Jodi Fulton.”** Discussion followed. Roll call vote: Hohenstein – yes, Wilson – no, Daus – yes, Counts – yes, Boal – yes. Motion carried (4-1).
- D. Resignation of Supervisor Mike Coddington
Motion by Wilson, **Second** by Hohenstein, **“To accept that.”** Board members expressed their appreciation to Mike for his years of service. Motion carried.
- E. Resolution- Recognition of Mike Coddington
Motion by Hohenstein, **Second** by Boal, **“To accept resolution 02-26-261 in recognition of Mike Coddington as presented.”** Motion carried. The Board expressed its sincere appreciation to Mike for his many years of service. Roll call vote: Hohenstein – yes, Boal – yes, Daus – yes, Wilson – no, Counts – yes. Motion carried (4-1).
- F. Clean-up Bid information for 5057 Warner Rd.
Mr. Harter addressed the Board and requested additional time to clean up his property prior to the property being put out to bid for clean-up. **Motion** by Wilson, **Second** by Boal, **“To put the bid on hold.”** Motion carried. 1 dissent.
- G. Financial Update – Deputy Supervisor Kilpela

Deputy Supervisor Kilpela reviewed the Revenue and Expenditure report, legal fees, cash flow, and the General Fund payback. **Motion** by Counts, **Second** by Hohenstein, **“To approve budget amendment #1, increase planning contracted planner expense from \$20,000.00 to \$70,000.00 and decrease Township at large capital outlay expense from \$160,000.00 to \$110,000.00 to account for contracted ordinance update.”** Motion carried.

Motion by Counts, **Second** by Daus, **“Budget amendment #2, increase Rec fund contracted services expense from \$14,000.00 to \$20,000.00 to account for the Howell Township Park Master Plan.”** Motion carried.

Motion by Counts, **Second** by Hohenstein, **“To approve transfer from Sewer Fund to General Fund in the amount of \$1,377,255.00.”** Motion carried. The Board expressed its appreciation and commended Brent for his hard work and commitment.

CALL TO THE PUBLIC:

Toni Miechiels, 2849 Amberwood Tr.: Spoke on the Tooley Rd. Park Plan and Polling Place, Vacant 22-Acres on the corner of Tooley and Bowen

Lance Powell, 5366 Fleming Rd.: Spoke on Fleming Rd. issues between Marr Rd. and Allen Rd.

REPORTS:

A. SUPERVISOR:

Treasurer Hohenstein reported that, following Supervisor Coddington’s resignation, Deputy Supervisor Kilpela has continued to perform the duties and should continue to be compensated for performing those duties until a new Supervisor is appointed. **Motion** by Hohenstein, **Second** by Daus, **“To continue to pay Brent as Deputy Supervisor until the new Supervisor is appointed.”** Motion carried.

B. TREASURER:

Treasurer Hohenstein requested Board approval for the Deputy Treasurer to attend MMTA training and for the associated costs. **Motion** by Counts, **Second** by Boal, **“For Deputy Treasurer to attend Michigan Municipal Treasurer’s Association Training.”**

C. CLERK:

Clerk Daus reported that the Clerk’s Department has received Affidavits of Identity filings for the 2026 election and has begun preparations for the upcoming elections.

D. ZONING:

See Zoning Administrator Hohenstein’s report

E. ASSESSING:

See Assessor Kilpela’s report

F. FIRE AUTHORITY:

See report

G. MHOG:

Trustee Counts reported on MHOG – water usage; the transmission main and cross-country main; Prentice Estates connection to MHOG; and MHOG operating independently

H. PLANNING COMMISSION:

See draft minutes. Trustee Boal reported on Planning Commission - Agape City Church; the Data Center Ordinance review with the Resident Research Committee; Data Center Know How webinar for Planners and Officials. **Motion** by Counts, **Second** by Hohenstein, **“To approve Planning Commission members to attend the Data Center Know How for Planners and Officials.”** Motion carried.

I. ZONING BOARD OF APPEALS (ZBA):

No report

J. WWTP:

Treasure Hohenstein reported on WWTP – Manhole line cleanout along the Shiawassee River, **Motion** by Counts, **Second** by Hohenstein, **“To approve Pipeline Management Company for the amount of \$15,908.00.”** Motion carried. Treasurer Hohenstein reported that access is needed to the manhole cleanout off Parsons Rd. **Motion** by Counts, **Second** by Daus, **“Approval of Justice Fence quote dated 01-15-2026 as presented.”** Motion carried.

K. HAPRA:

See Clerk Daus’s report

L. PROPERTY COMMITTEE:

No report

M. PARK & RECREATION COMMITTEE:

No report

N. SHIAWASSEE RIVER COMMITTEE:

No report

DISBURSEMENTS: REGULAR PAYMENTS AND CHECK REGISTER:

Motion by Hohenstein, **Second** by Daus, **“To accept the disbursements as presented and any normal and customary payments for the month.”** Motion carried.

ADJOURNMENT: **Motion** by Counts, **Second** by Hohenstein, **“To adjourn”** Motion carried. The meeting was adjourned at 9:12 p.m.

Sue Daus, Howell Township Clerk

Tanya Davidson, Recording Secretary

Monthly Permit List

02/02/2026

1/3

Commercial Land Use

Permit #	Applicant	Address	Fee Total	Const. Value
P26-011	BURDG DUNHAM CONSTRUCTION WORLDWIDE RICHARD DUNHAM	1475 N BURKHART RD # G-150	\$110.00	\$0.00
Work Description: interior remodel of an existing retail space				
P26-009	LIEDEL EXCAVATING	4020 W GRAND RIVER AVE	\$150.00	\$0.00
Work Description: Demolition of building				

Total Permits For Type:	2
Total Fees For Type:	\$260.00
Total Const. Value For Type:	\$0.00

Grading

Permit #	Applicant	Address	Fee Total	Const. Value
P26-016	PINEVIEW VILLAGE CONS. GROUP INC.	1645 PINECROFT LANE	\$250.00	\$0.00
Work Description: Storing building materials on building #13 site, parcel numbers 4706-27-201-093 through 4706-24-201-100.				

Total Permits For Type:	1
Total Fees For Type:	\$250.00
Total Const. Value For Type:	\$0.00

Residential Land Use

Permit #	Applicant	Address	Fee Total	Const. Value
P26-015	RENEWAL BY ANDERSEN - Store 92	2640 BREWER RD	\$10.00	\$0.00
Work Description: Replacing 4 entry doors				
P25-262	Ambia Energy LLC	3889 N BURKHART RD	\$10.00	\$0.00
Work Description: 8.075 KW residential solar system to be installed on house roof: 3.825 KW to be wired for detached accessory structure				
P26-013	SCHLICHT PONDS	2694 FLEMING	\$10.00	\$0.00
Work Description: Dig New Pond 120' X 80' X 15'				
P26-012	MI HOMES OF MICHIGAN LLC A DELAWARE LIMITED LIABILITY COMPANY	4033 HERITAGE SQUARE DRIVE	\$50.00	\$0.00
Work Description: New deck				
P26-010	JOHN, MICHAEL C	4213 INDIAN CAMP TRL	\$75.00	\$0.00
Work Description: Finishing basement- Framing, rigid board, batt insulation and drywall				
P26-002	MAJIC WINDOW	4840 W MARR RD	\$10.00	\$0.00
Work Description: Remove and replace 22 windows and 1 door wall				
P26-014	RENEWAL BY ANDERSEN - Store 92	5771 MILETT RD	\$10.00	\$0.00

Work Description: Replacing 6 windows and 1 patio door

P26-007	SUPERIOR CUSTOM HOMES	1019 RIVER LINE DR	\$50.00	\$0.00
	Work Description: 4' x 12' treated wood deck with fully enclosed skirting			
P26-008	SUPERIOR CUSTOM HOMES	1088 RIVER LINE DR	\$50.00	\$0.00
	Work Description: Front Deck: 12'x16' Trex deck with fully enclosed skirting			
	Back Deck: 12' x 16' Trex deck with fully enclosed skirting			
P26-006	MI HOMES OF MICHIGAN LLC A DELAWARE LIMITED LIABILITY COMPANY	4100 SEDGEVIEW CIRCLE	\$75.00	\$0.00
	Work Description: New Single Family Home			
P26-004	MI HOMES OF MICHIGAN LLC A DELAWARE LIMITED LIABILITY COMPANY	4107 SEDGEVIEW CIRCLE	\$75.00	\$0.00
	Work Description: New Single Family Home			
	Revised 1/29/2026 to change elevation from Elevation A to Elevation F			
P26-003	MI HOMES OF MICHIGAN LLC A DELAWARE LIMITED LIABILITY COMPANY	4112 SEDGEVIEW CIRCLE	\$75.00	\$0.00
	Work Description: New Single Family Home			
P26-005	MI HOMES OF MICHIGAN LLC A DELAWARE LIMITED LIABILITY COMPANY	4119 SEDGEVIEW CIRCLE	\$75.00	\$0.00
	Work Description: New Single Family Home			

Total Permits For Type:	13
Total Fees For Type:	\$575.00
Total Const. Value For Type:	\$0.00

Sewer Connection

Permit #	Applicant	Address	Fee Total	Const. Value
PWS26-007	MI HOMES OF MICHIGAN LLC A DELAWARE LIMITED LIABILITY COMPANY	4100 SEDGEVIEW CIRCLE	\$5000.00	\$0.00
	Work Description: Sewer Connection			
PWS26-003	MI HOMES OF MICHIGAN LLC A DELAWARE LIMITED LIABILITY COMPANY	4107 SEDGEVIEW CIRCLE	\$5000.00	\$0.00
	Work Description: Sewer Connection			
PWS26-001	MI HOMES OF MICHIGAN LLC A DELAWARE LIMITED LIABILITY COMPANY	4112 SEDGEVIEW CIRCLE	\$5000.00	\$0.00
	Work Description: Sewer Connection			
PWS26-005	MI HOMES OF MICHIGAN LLC A DELAWARE LIMITED LIABILITY COMPANY	4119 SEDGEVIEW CIRCLE	\$5000.00	\$0.00
	Work Description: Sewer Connection			

Total Permits For Type: 4
Total Fees For Type: \$20000.00
Total Const. Value For Type: \$0.00

Sign

Permit #	Applicant	Address	Fee Total	Const. Value
P26-001	MI HOMES OF MICHIGAN LLC A DELAWARE LIMITED LIABILITY COMPANY	BURKHART - VACANT	\$175.00	\$0.00
Work Description: Monument sign for subdivision entry				

Total Permits For Type: 1
Total Fees For Type: \$175.00
Total Const. Value For Type: \$0.00

Water Connection

Permit #	Applicant	Address	Fee Total	Const. Value
PWS26-008	MI HOMES OF MICHIGAN LLC A DELAWARE LIMITED LIABILITY COMPANY	4100 SEDGEVIEW CIRCLE	\$5000.00	\$0.00
Work Description: Water Connection				
PWS26-004	MI HOMES OF MICHIGAN LLC A DELAWARE LIMITED LIABILITY COMPANY	4107 SEDGEVIEW CIRCLE	\$5000.00	\$0.00
Work Description: Water Connection				
PWS26-002	MI HOMES OF MICHIGAN LLC A DELAWARE LIMITED LIABILITY COMPANY	4112 SEDGEVIEW CIRCLE	\$5000.00	\$0.00
Work Description: Water Connection				
PWS26-006	MI HOMES OF MICHIGAN LLC A DELAWARE LIMITED LIABILITY COMPANY	4119 SEDGEVIEW CIRCLE	\$5000.00	\$0.00
Work Description: Water Connection				

Total Permits For Type: 4
Total Fees For Type: \$20000.00
Total Const. Value For Type: \$0.00

Grand Total Fees:	\$41,260.00
Grand Total Permits:	25.00

Code Enforcement List

02/02/2026

Address	Owners Name	Parcel Number	Date Filed	Origin	Status
1682 PINECROFT LANE	PINEVIEW VILLAGE	4706-27-201-071	01/14/2026	PUBLIC - COMPL	OPEN - COMPLANT RECEIVE
Complaint					
<p>Ongoing construction activity at the Pineview Village, new development is creating noise and vibrations in violation of Howell township Ordinance No. 123.Noise Violation:On 10/09/2025 at approximately 6:30 a.m. EST, construction activity produced load equipment and impact noise that was plainly audible inside my residence and woke my household.On 01/08/2026 and approximately 6:32 a.m. EST, a heavy dumpster delivery and construction activity again produced noise plainly audible and inside my residence and woke my household.Both incidents occurred prior to the permitted 7:00a.m. start time for construction activity under Township Ordinance No. 123.Vibration Violations:On most weekdays during active construction, Heavy machinery (including excavators, compactors, and trucks) produces vibrations that are felt inside my residence. Ordinance No. 123 requires vibrations from any operation to be controlled so they cannot be felt beyond the property line. These vibrations are perceptible inside my home and disturb normal use and enjoyment of the residence.I am requesting Township Investigation and enforcement of the noise and vibration provisions of Ordinance No. 123</p>					
Comments					
<p>01/12/26 - Email received from resident of Pineview Village in reference to construction activity prior to 0700. Responded to resident advising him to complete Ord Enforcement Complaint form.</p>					
<p>01/13/26 - Arrived in Pineview Village 6:00 am checking for construction activity. remained onsite until 6:55 am. No activity in construction areas, no workers arriving at work.</p>					
<p>01/14/26 - Arrived in PV at 6:10 am, no activity in construction areas. GFL arrives in area at approx 6:35 am for garbage collection.</p>					
<p>01/16/26 - In PV approx 6:35 am no activity in construction areas. Official complaint form received and entered into computer.</p>					
<p>01/19/26- Checked the area between 6-7 am, no activity</p>					
<p>01/21/26 - Area checked, no activity.</p>					

Code Enforcement List

02/02/2026

Address	Owners Name	Parcel Number	Date Filed	Origin	Status
5704 CRANDALL RD Complaint	JEWETT RICHARD L &	4706-05-200-004	11/25/2024	PUBLIC - EMAIL	OPEN - COMPLANT RECEIVE
A person is living in an RV in the back of the property against Township Ordinance.					

Comments

- 12.10.24 - Site visit completed. RV is located in the back of the property. Letter sent to owner.
- 1.27.25 - Site visit completed. No visible change. Letter sent to owner.
- 2.11.25 - Requested additional information from complainant
- 3.10.25 - January letter returned unclaimed.
- 3.11.25 - December letter returned unclaimed.
- 3.31.25 - Site visit completed. New letter mailed out.
- 4.7.25 - Copy of letter given to homeowner. Spoke to homeowner - admitted that someone is living in the RV. Follow up letter sent to owner.
- 4.14.25 - Spoke to homeowner on the phone. Spoke to Jake at LCHD on the phone, they received a complaint about sewage being discharged onto the ground from one of the RVs. Spoke to person staying in the RV (Wes Gray) on the phone. Jake from LCHD and I made a visit to the site, spoke to Wes. Wes understands that he cannot live in an RV on the property. We agreed to 30 days to remove his things from the site.
- 4.30.25 - Site visit completed, Wes appears to be working on getting his things removed.
- 5.14.25 - Spoke to the homeowner, Wes moved some things but has started building a new trailer. Owner will call the Sheriff's Department to understand her options to get Wes removed from her property.
- 5.19.25 - Spoke to Wes, he has removed a lot of stuff but would like until June 1, 2025 to remove the rest of his stuff. He will provide receipts for the dumpster that he used. Twp will make a site visit and confirm that progress has been made. If progress has been made then we are willing to extend deadline to June 1.
- 5.19.25 - Site visit completed, some clean up has taken place, photos attached. Spoke to homeowner, admits a lot of work has been done and has no issue with Wes's request to extend deadline to June 1. Letter sent to owner to confirm same.
- 06-02-25- MH- Spoke with Wes and he doesn't have any where to go, fractured his hand and hurt his back moving stuff off the property. He is still trying to move stuff off the property. Jonathan is out of the office so I let him know he would be contacted when he returns.
- 6.12.25 - Spoke to Wes, said he has hurt his hand but still intends to remove his things from the property. We agreed to an extension to July 31st for all things to be removed from the property, no further extensions will be granted for any reason. Will prepare letter to owners RE same.
- 6.16.25 - Site visit completed, some changes have been made, photos attached.
- 7.21.25 - Site visit completed, photos attached.
- 8.4.25 - Site visit completed, Wes has not removed his belongings from the property, still living in the RV. Spoke to owner. Personally issued MCI Citation ticket #0162 to Denise Stach. Personally issued MCI Citation ticket #0163 to Wes Gray.
- 8.16.25 - Denise Stach paid ticket #0162 at court
- 9.9.25 - Wes Gray has requested a formal hearing.

- 10/2/25 - Stopped to speak with home-owner ref upcoming court date and take updated photos. Mrs Stach stated she is willing to go to court. Photos taken.
- 10.20.25 - Court hearing started, adjourned to a later date. Working with Wes Gray on settlement.
- 11.6.25 - Wes Gray signed agreement for consent judgment. Case has been closed.
- 12.11.25 - Wes Gray reached out to Twp Attorney because Wes is now living in the house. We have submitted to the court a modified agreement to allow the storage of the RV as long as it conforms to the Ordinance and is not used for on-site human habitation and all other items are either removed from the property or permits are applied for and reviewed for conformance with the Ordinance.

Code Enforcement List

02/02/2026

Address	Owners Name	Parcel Number	Date Filed	Origin	Status
<hr/>					
01/20/25 - No change at address in regards to clean up. Spoke with neighbor who advised subject still residing in the camper. While in the area in observed Gray go to the area of the camper and he did not come back out.					
<hr/>					
4141 W GRAND RIVER A	TONON CHIARINA S	4706-20-400-012	09/24/2024		OPEN - COMPLANT RECEIVE
Complaint					
House is neglected, building unsafe, junk in yard.					
Comments					
9.24.24 - Contacted Livingston County Building Department RE performing dangerous building inspection.					
10.3.24 - Received LCBD determination letter. Contacted Spicer RE Dangerous Buildings Hearing Officer availability. Spicer does not currently have availability to perform these duties.					
10.17.24 - Letter sent to owner.					
12.19.24 - No response received. Second letter sent to owner with tracking.					
1.9.25 - Spoke to owner, is getting quotes from companies to demolish the structures. Provided contact information to Township and will stay in touch with progress reports.					
1.27.25 - Violation still present.					
3.31.25 - Site visit completed, violation still present, no visible change					
4.30.25 - Site visit completed, violation still present, no visible change, will reach out to owners					
5.7.25 - Left message for owner					
5.9.25 - Received voicemail from owner, they are currently working through asbestos testing, getting the site taken care of in 4-6 weeks					
5.14.25 - Spoke to the company that will be performing the demolition and discussed the permitting process					
6.16.25 - Site visit completed, no change					
8.6.25 - Demolition permit application received.					
9.9.25 - Email received, expect to get started with demolition at the end of September.					
9.18.25 - Demolition permit acquired and escrow money provided					
9/23/25 - Property has been mowed, debris from front of structure appears to be gone.					
10.21.25 - Property owner now wants to remove only the house and leave the barn. This would create a violation of the Township's Ordinance. Zoning determination letter requested and provided to owners. Owners will have 60 days to appeal the determination to the ZBA. Project on hold while owners decide to either demolish both the house and barn or challenge the determination.					
12.8.25 - Spoke to owners, they will not challenge the Zoning Administrator's determination. Owner will be sending along a demolition schedule.					
12.9.25 - Waiting on Consumer's Energy to shut off all service and Livingston County Building Department Inspector. Tentatively scheduled for January.					
1.12.25 - Spoke to owner, Consumer's has completed their shut off, now they are waiting for the demolition permit from the County.					
<hr/>					

Code Enforcement List

02/02/2026

Address	Owners Name	Parcel Number	Date Filed	Origin	Status
3590 W GRAND RIVER Complaint	HASLOCK PROPERTIE	4706-28-100-024	05/06/2024		OPEN - FIRST LETTER SENT
Zoning Violations:Outdoor storage without screening, setback issues, parking not hard surfaced, no sign permit.					
Comments					
5.13.24 - Violation letter to Occupant returned.					
5.20.24 - Received phone call from owner. Will be preparing a site plan to take before the Planning Commission for approval.					
6.20.24 - Received phone call from owner, discussed site plan requirements.					
9.4.24 - Sent letter to owner RE site plan progress.					
9.12.24 - Spoke to owner, Engineer has site plans almost complete. Will submit for review in the near future.					
2.27.25 - Spoke to owner, Engineer will be submitting plans in the next week or two.					
3.31.25 - Site visit completed, violations still present					
4.30.25 - Site visit completed, violations still present					
5.1.25 - Property owner turned in site plan. Currently considering if they would like to schedule a pre-conference prior to formally submitting the site plan.					
6.9.25 - Spoke to the owner about next steps to move the site plan forward, owner is considering pairing down what has been proposed.					
6.16.25 - Site visit completed, photos attached.					
7.21.25 - Site visit completed, photos attached.					
8.11.25 - Owner stopped in to discuss the site plan, will get the site plans printed out and submitted for review.					
9.10.25 - Owner dropped off site plan and application, sent out for outside review, expected to be on October PC agenda					
10.29.25 - Met with owner and engineer to discuss revisions to site plan requested by Township's Engineer and Planner. They will update the plan and resubmit for review.					

5057 WARNER RD Complaint	HARTER EDWARD H	4706-19-200-005	03/14/2022	PUBLIC/ EMAIL	OPEN - SECOND LETTER SEN
LARGE AMOUNT OF JUNK AND LITTER IN THE YARD.					

Comments					
4.17.2023 THERE IS MORE JUNK NOW THEN THERE WAS LAST MARCH OF 2022 OR JANUARY OF 2023.					
5.25.2023 I SPOKE WITH MR. HARTER HE IS STARTING TO CLEAN THE SITE UP, HE SAID THAT IT WILL TAKE SOME TIME TO GET IT ALL CLEANED UP. I WILL BEE CHECKING ON HIS PROGRESS EVERY FEW WEEKS TO MAKE SURE HE IS MAKING PROGRESS.					
6.29.2023 SOME PROGRESS HAS BEEN MADE. WILL CHECK BACK IN A COUPLE OF WEEKS.					
1.9.2024 did a site vist there has been no progress made on the clean up.					
1.11.2024 Finial letter sent.					
3.20.24 - Site visit. No remediation of issues has taken place. Photos attached.					
3.25.24 Spoke to owner. Owner is working on cleaning up the property, has dumpsters being delivered, scrap is in piles and ready to be taken to the scrap yard. Has requested 3 months to get the property cleaned up. Letter sent in confirmation of agreement. Scheduled visit for June 25th.					

Code Enforcement List

02/02/2026

Address	Owners Name	Parcel Number	Date Filed	Origin	Status
4.23.24					- Site visit. Violation still present. Scheduled reinspection.
5.20.24					- Site visit. Work has been started. Violation still present. Scheduled reinspection.
6.18.24					- Site visit. Violation still present, no evidence of continued clean up activity. Will reinspect on June 25th as agreed.
6.25.24					- Site visit. Minimal changes to site, violation still present. Letter sent to owner.
8.1.24					- Site visit completed. Owner still working on clean-up.
9.4.24					- Site visit completed, spoke to homeowner. Owner claims to have back of property nearly complete. Dumpster to be arriving next week, neighbors helping to remove scrap in the next few days.
10.8.24					- Site visit completed. No evidence of activity. Final violation letter sent to owner.
11.6.24					- Site visit completed. No evidence of activity. Will check property on 11.14.24 per letter.
11.14.24					- Site visit completed. No evidence of activity. Ticket number 0204 issued. Ticket mailed to homeowner 11.18.24.
12.4.24					- Spoke to homeowner. He will be completing a clean-up schedule and providing it to the Township. If the schedule is followed and clean-up of property is achieved ticket will be waived.
12.10.24					- Schedule has not been provided to Township. Site visit completed, no change.
1.27.25					- Site visit completed, no change. Schedule has not been provided to Township. Final violation letter sent to owner.
2.3.25					- Received phone call from owner's wife, owner is currently in jail. By February 24th they will contact the Township to discuss deadlines for removing the junk from the site. Letter sent to owner to confirm same.
2.24.25					- Spoke to owner's wife.
2.28.25					- Spoke to owner's wife, came to agreement on clean up schedule. Letter on agreement sent to owner.
3.17.25					- 2.28 letter returned. Mailed out letter again.
3.21.25					- Homeowner left message stating that all scrap metal has been removed, two vehicles will be removed this week. We may stop by any time to see the progress.
3.31.25					- Site visit completed, violation still present
4.30.25					- Site visit completed, violation still present. May 4th is the clean-up deadline, will make site visit Monday May 5th to check status.
5.7.25					- Site visit completed, violation still present. Posted ticket #0159 to the structure, filed ticket with the District Court and requested an informal hearing, mailed copy of ticket to owner.
5.19.25					- Received information from District Court setting formal hearing date. Contacted the court to switch to an informal hearing as originally requested.
6.10.25					- Called Court RE informal hearing date, Court's system indicated that the ticket had been paid and closed.
6.16.25					- Site visit completed, no apparent change, photos attached. Ticket filed with Court - requested informal hearing, ticket posted to structure and mailed to owner.
7.16.25					- Magistrate refused to hear the case, claimed he did not have the authority for injunctive relief, ticket dismissed.
7.21.25					- Site visit completed, no apparent change, photos attached. Ticket 0161 filed with the Court requesting formal hearing. Ticket posted to structure and mailed to owner.
7.29.25					- Formal Court hearing scheduled.
9.8.25					- Formal hearing held, Judge Bain granted 45-day limit to get site cleaned up, indicated that he would drive by the property, follow-up hearing scheduled by Judge.
10.20.25					- Court status hearing held. Next hearing scheduled for November.
11.10.25					- Site visit made, photos attached. Progress has been made, violations still exist. Court hearing held, Judge ordered follow up hearing in December.
12.7.25					- Site visit completed, photos attached.
12.8.25					- Court hearing held. Final extension to owner granted by court. Rehearing scheduled.
1/16/26					- Inspection from road and new photos taken. All cleanup has stopped. Large amounts of debris still on site and visible in multiple areas of the yard.
1.26.26					- Court Hearing held, Court will uphold the order filed in September allowing the Township to clean up the site and charge the owner. Court also issued fees and fines. Court case is closed; our file will remain open until the site has been brought into compliance with the Ordinance.



Michigan State University Extension
Public Policy Brief

Selected Planning and Zoning
Decisions: 2025 (August 2024-August
2025)

Original version: (September 24, 2025)

Last revised:

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This is a fact sheet developed by experts on the topic(s) covered within MSU Extension. Its intent is to assist Michigan communities in keeping up to date on current planning and zoning court cases. This document is written for use in Michigan and is based only on Michigan law and statute. One should not assume the concepts and rules for zoning or other regulation by Michigan municipalities and counties apply in other states. This is not original research or a study proposing new findings or conclusions.

Published Cases

This document reports cases from Michigan courts of record (Appeals Courts, Michigan Supreme Court), or federal courts that have precedential value (Appeals Court [specially the 6th Circuit Court of Appeals], United States Supreme Court). Thus, Michigan Circuit, District court cases; federal district court cases are generally not reported here.

Typically, a federal district court's interpretation of state law (as opposed to federal law) is not binding on state courts, although state courts may adopt their reasoning as persuasive. But the U.S. Sixth Circuit Court of Appeals takes the position that the doctrine of stare decisis makes a federal district court decision is binding precedent in future cases in the same court (until reversed, vacated, or disapproved by a superior court, overruled by the court that made it, or rendered irrelevant by changes in the positive law.) So U.S. District court rulings may apply only in certain parts of Michigan:

United States District Court for the Eastern District of Michigan (roughly the east half of the lower peninsula):

The Northern Division (located in Bay City) comprises the counties of Alcona, Alpena, Arenac, Bay, Cheboygan, Clare, Crawford, Gladwin, Gratiot, Huron, Iosco, Isabella, Midland, Montmorency, Ogemaw, Oscoda, Otsego, Presque Isle, Roscommon, Saginaw, and Tuscola.

The Southern Division (located in Ann Arbor, Detroit, Flint, and Port Huron) comprises the counties of Genesee, Jackson, Lapeer, Lenawee, Livingston, Macomb, Monroe, Oakland, Saint Clair, Sanilac, Shiawassee, Washtenaw, and Wayne.

United States District Court for the Western District of Michigan (roughly the west half of the lower peninsula and all of the Upper Peninsula):

The Northern Division (located in Marquette and Sault Sainte Marie) comprises the counties of Alger, Baraga, Chippewa, Delta, Dickinson, Gogebic, Houghton, Iron, Keweenaw, Luce, Mackinac, Marquette, Menominee, Ontonagon, and Schoolcraft.

The Southern Division (located in Grand Rapids, Kalamazoo, Lansing, and Traverse City) comprises the counties of Allegan, Antrim, Barry, Benzie, Berrien, Branch, Calhoun, Cass, Charlevoix, Clinton, Eaton, Emmet, Grand Traverse, Hillsdale, Ingham, Ionia, Kalamazoo, Kalkaska, Kent, Lake, Leelanau, Manistee, Mason, Mecosta, Missaukee, Montcalm, Muskegon, Newaygo, Oceana, Osceola, Ottawa, Saint Joseph, Van Buren, and Wexford.

A glossary at the end of this document contains common legal terms.

Restrictions on Zoning Authority

City Does Not Violate FSA by Prohibiting Sale of Fireworks From Temporary Structures

Case: *Samona v. City of Eastpointe, Michigan*

Court: Michigan Court of Appeals, No. 66648, 2024 Mich. App. LEXIS 6745, 2024 WL 3996101 (August 29, 2024, Decided).

Holding that defendant-city's ordinances regulating the sale of fireworks from temporary structures does not violate the Michigan Fireworks Safety Act (FSA), the court reversed the trial court's order invalidating the ordinances, and remanded. Plaintiffs sued defendant seeking to invalidate its ordinances prohibiting the sale of fireworks in temporary structures and limiting the sale of consumer fireworks to brick-and-mortar buildings with fire suppression systems.

The trial court invalidated the challenged ordinances as conflicting with provisions of the MSA. On appeal, the court agreed with defendant that MCL 28.457(4) permits its regulation of firework sales from temporary structures, and thus, its limitation of consumer firework sales to permanent structures equipped with fire safety equipment is a permitted use regulation. It found the ordinances at issue, "particularly § 50-91(c)(12), do not conflict with the FSA and are valid." The ordinance "does not prohibit the sale of consumer fireworks; rather, it limits the locations where consumer fireworks may be sold." It also "does not directly conflict with MCL 28.457, and that statute was not violated by [defendant] enacting a regulation outside the examples provided in a non exhaustive list stated within the statute." In addition, defendant "did not prohibit the sale of fireworks; rather, § 50-91(c)(12) prohibits the sale of fireworks from temporary locations. [It] also required that if consumer fireworks are sold from brick-and-mortar buildings, the structures must have fire suppression systems. Therefore, the ordinance does not conflict with MCL 28.457(4) in this regard."

The statute also gives defendant "full discretion to determine how to regulate the sale of fireworks from temporary structures." Finally, MCL 28.457(4) "states that a local ordinance 'may not prohibit the temporary storage, transportation, or distribution of fireworks by a consumer fireworks certificate holder at a retail location that is a permanent building or structure.' And [defendant] expressly protected this activity by permitting the sale of consumer fireworks from brick-and-mortar buildings with fire suppression systems in Eastpointe Ordinances, § 20-95." (Source: State Bar of Michigan *e-Journal* Number: 82201; August 30, 2024.)

https://www.michbar.org/opinions/content_search_detail/EJournalNumber/82201

Takings, Special Assessments, Proportionality

Streetscape Improvement Special Assessment to Property, Proportional to Benefit

Case: *New 555 Commercial, LLC v. City of Birmingham*

Court: Michigan Court of Appeals, No. 372022, 2024 Mich. App. LEXIS 6557, 2024 WL 3906492 (August 22, 2024, Decided).

Concluding defendant's "city commission complied with the city's ordinances and" as a result, the city was entitled to the presumption of validity, the court held that the [Tax Tribunal] did not err in denying petitioners' summary disposition motion in this special assessment dispute. Petitioners are related entities that own commercial properties referred to as the 555 Complex. "The city commission confirmed

a special assessment roll to fund a sidewalk and streetscape reconstruction project bordering the 555 Complex.” The court determined the key ordinance language “required, in the context of this case, that the city commission adopt a resolution determining what benefits the 555 Complex would receive as a result of the sidewalk and streetscape improvement and that the city commission make a determination that the special assessment would be in proportion to the benefits received. These provisions constituted requirements that had to be satisfied before the special assessment roll could be confirmed.” Pursuant to the ordinance definition of the term improvement, “a determination by the city that there will be an ‘improvement’ to property necessarily correlates to a determination that the property will be ‘specially benefited’ for purposes of the BCC.”

The city presented an affidavit from its assistant city engineer (Z), “who averred that he was involved in preparing two reports for the city commission that informed the members of ‘the proposed special benefits, the nature of it, the improvement, the costs, the benefit derived therefrom, and the reasonable proportionality of assessing the special assessment against the affected property owners.” The minutes of the meeting at which the commission confirmed the special assessment roll showed Z “was present and provided information to the commission and that the commissioners confirmed the roll after making remarks finding that the project would greatly improve the aesthetics and safety of the area.”

The court concluded “the city commission complied with the ordinances by determining that the 555 Complex would receive benefits from the project in the form of aesthetic and safety improvements created by the physical attributes of the streetscape and that the special assessment would be in proportion to or in accordance with the benefits to be received.” The case had to proceed in the [Tax Tribunal] “for a determination whether the special assessment was reasonably and substantially proportionate to any increase in” the Complex’s market value due to the improvements. Affirmed. (Source: State Bar of Michigan e-Journal Number: 82160; September 4, 2024.)

<https://www.michbar.org/Portals/0/opinions/appeals/2024/082224/82160.pdf>

Open Meetings Act, Freedom of Information Act

Individual Officials May Be Subject to Open Meetings Act

Case: *Exclusive Capital Partners, LLC v. City of Royal Oak*

Court: Michigan Court of Appeals, No. 366247, 2024 Mich. App. LEXIS 9689, 2024 WL 4982606 (December 4, 2024, Decided).

The court rejected plaintiffs’ claims that defendant-city’s recreational marijuana ordinance (1) was void for vagueness and (2) violated the MRTMA’s school-buffer and competitive-process requirements. It also found no substantive due process violation. But based on Pinebrook II, it concluded an OMA violation occurred. Plaintiffs challenged the city’s award of marijuana retail licenses to other applicants. As to the void for vagueness challenge, the court rejected the city’s arguments that the doctrine did not apply. However, it determined that plaintiff-Exclusive “failed to overcome its burden of demonstrating that the marijuana ordinance is unconstitutionally vague.” The court noted that the “relevant inquiry is whether the ordinance is so lacking in standards as to give those charged with implementing it carte blanche to follow their personal predilections. This ordinance does not.”

As to plaintiffs’ MRTMA arguments, the court found “(1) the marijuana ordinance and general zoning scheme do not conflict with MCL 333.27959(3)(c) and (2) awarding the retail license to” one of the successful applicants “did not violate the MRTMA’s school-buffer requirement despite the close proximity to a school.” The court also determined that the “marijuana ordinance did not conflict with the

competitive-process requirement of MCL 333.27959(4), and there was no genuine issue of material fact that the city manager complied with the ordinance and the MRTMA.”

However, relying on Pinebrook II and Booth, the court concluded “the city manager and his designees acted as a public body subject to the OMA.” It found that “the city manager effectively selected who would receive the two recreational marijuana licenses. Because the city manager made a de facto policy choice for the City Commission, the city manager met the definition of ‘governing body,’ and, thus, was subject to the OMA. It follows that the meetings that the city manager had with his workgroup should have been noticed and made open to the public.” The court affirmed the circuit court’s grant of summary disposition to the city in all respects except as to the OMA violation. It reversed the circuit court’s decision in that regard and remanded for consideration of “whether invalidation of the license awards is appropriate under MCL 15.270(2) and to provide the public body with the opportunity to remedy” the violation. (Source: State Bar of Michigan *e-Journal* Number: 82757; December 5, 2024.)

Because the city manager made a de facto policy choice for the City Commission, the city manager met the definition of ‘governing body,’ and, thus, was subject to the OMA.

<https://www.michbar.org/Portals/0/opinions/appeals/2024/120424/82757.pdf>

Mayor’s ARPA Advisory Committee Not a Public Body Under the OMA

Case: *Estate of Mays v. Neeley*

Court: Michigan Court of Appeals, No. 368773, 2025 Mich. App. LEXIS 5372, 2025 WL 1900463 (July 9, 2025, Decided).

Holding that the advisory committee (the ARPA committee) at issue was an MMB under defendant-City of Flint’s charter, the court concluded plaintiffs stated a claim that the committee’s formation violated a provision of the charter. But it held that the ARPA committee was not a public body under the OMA. Thus, it found that the trial court erred in granting defendants summary disposition on the charter violation claim but correctly granted them summary disposition on the OMA claim. The committee was formed “to advise the city on funding allotments under the” federal ARPA. On appeal, the court agreed with plaintiffs that “the ARPA committee meets the definition of an MMB” set forth in the charter “as it is an ‘advisory committee . . . composed of more than one person, and acting, or purporting to act, in the exercise of official duties.’”

It concluded “that under a plain reading of the charter, and accepting the allegations in plaintiffs’ complaint as true and construing them in a light most favorable to plaintiffs, ‘acting or purporting to act in the exercise of official duties’ encompasses the actions with which the committee was charged. . . . Taking the allegations of the complaint as true, [defendant-]Mayor Neeley formed the committee to play an official role in the exercise of a city function, i.e., the allocation of grants.” In addition, the committee “had all of the trappings of an official, city-sanctioned endeavor.” The court found that at “the very least, plaintiffs have sufficiently alleged that the ARPA committee purported to carry out official duties at the city’s direction, which is enough to satisfy the definition of an MMB under Flint Charter, § 1-405.”

It also agreed “with plaintiffs that, on the basis of the factual allegations in their complaint, the ARPA committee’s formation and operation appears to violate the city charter. As stated, it was not established by ordinance or resolution as required by Flint Charter, § 6-101(A). Nor were appointments to the

committee approved by city council as required by Flint Charter, § 6-101(B)(3).” But the court concluded plaintiffs failed to state a claim for violation of “the OMA, given that the committee’s recommendations remained subject to review by Mayor Neeley and the city council such that the committee cannot be considered a public body.” Affirmed in part, reversed in part, and remanded. (Source: State Bar of Michigan *e-Journal* Number: 83960; July 9, 2025.)

<https://www.michbar.org/Portals/0/opinions/appeals/2025/070925/83960.pdf>

Special Use and Site Plans

Planning Commission Did Not Adequately Articulate Basis for Denial of SLU

Case: *JS Beck Rd., LLC v. Charter Township of Northville*

Court: Michigan Court of Appeals, No. 367958, Mich. App. LEXIS 5372, 2025 WL 1900463 (November 18, 2024, Decided).

The court held that defendant-Township’s Planning Commission (PC) did not adequately articulate its basis for denying plaintiff-Beck’s “special land use application as required by MCL 125.3502(4).” But the circuit court erred in directing the PC “to consider additional evidence on remand because Beck failed to present the evidence before the PC before asking the circuit court to consider it.” The court noted that “MCL 125.3502(4) states that a decision on a special land use application shall be incorporated in a statement of findings or conclusions. During the meetings, the commissioners individually expressed concerns regarding the Premier Academy development’s incompatibility with adjacent land uses, incompatibility with the Township’s master plan, and adverse impact on nearby traffic. Yet, none of the individual commissioners made findings. And the [PC] never incorporated its members’ individual concerns in a statement of findings or conclusions specifying the basis for its denial of” the application.

As a result, the court concluded here, as it did in Lakeview Vineyards, that the PC “failed to comply with MCL 125.3502(4). Therefore, the circuit court did not misapply legal principles or otherwise misapply the substantial-evidence test by vacating the PC’s denial of Beck’s special land use application and remanding for further proceedings before the” PC. However, the “circuit court misapplied legal principles by directing the” PC to consider a report on remand. The court found that “the statute under which the circuit court required the PC to consider [the] report, MCL 125.3606(2), does not apply to an appeal of a special land use decision. It only applies to an appeal involving a” ZBA’s decision. Further, as Beck did not present the report as evidence before the PC, the circuit court “should not have considered the report in determining whether the PC’s decision was authorized by law and whether its findings were supported by competent, material, and substantial evidence on the whole record.”

“Yet, none of the individual commissioners made findings. And the PC never incorporated its members’ individual concerns in a statement of findings or conclusions specifying the basis for its denial of” the application.”

The court affirmed the circuit court’s decision to remand the matter to the PC. It reversed “the circuit court’s decision to the extent it required the” PC to consider the report. “On remand, the PC shall make findings and conclusions regarding the special land use application as provided by MCL 125.3502(4). As part of that process, it may, but is not required to, hold additional hearings or consider additional evidence.” (Source: State Bar of Michigan *e-Journal* Number: 82668; November 19, 2024.)

<https://www.michbar.org/Portals/0/opinions/appeals/2024/111824/82668.pdf>

Unpublished Cases

(Generally unpublished means there was not any new case law established, but presented here as reminders of some legal principles. They are included here because they state current law well, or as a reminder of what current law is.) A case is “unpublished” because there was not any new principal of law established (nothing new/different to report), or the ruling is viewed as “obvious.” An unpublished case may be a good restatement or summary of existing case law. Unpublished opinions are not precedentially binding under the rules of stare decisis. Unpublished cases might be cited, but only for their persuasive authority, not precedential authority. One might review an unpublished case to find and useful citations of published cases found in the unpublished case.)

Takings

City Action Did Not Amount to a Taking

Case: *Tollbrook, LLC v. City of Troy*

Court: Michigan Court of Appeals, Unpublished Opinion, No. 368634, 2025 Mich. App. LEXIS 3711, 2025 WL 1385578 (May 13, 2025, Decided).

The court held that the trial court did not err by granting defendant-city summary disposition of plaintiffs' claim that land use regulations it imposed burdened their property to such a degree that they constituted a regulatory taking. The trial court rejected plaintiffs' claim. On appeal, the court agreed with the trial court that there was no genuine issue of material fact that defendant's land use regulations did not constitute a taking of plaintiffs' property. They offered “no evidence—no appraisal report, no market analysis, no expert affidavit—that would allow a court to weigh the extent of the economic impact. Lacking any such evidence, this factor weighs heavily against plaintiffs.”

As to the first factor, “the character of the government’s action—plaintiffs point to no physical occupation or forced dedication of land. Instead, [defendant] has simply declined to rezone property that has been zoned for single-family residential use since the 1960s.” And the third factor, “the extent of interference with distinct, investment-backed expectations—at best offers plaintiffs only limited support.” Plaintiffs' expectation that “rezoning would follow as a matter of course lacks legal support. Moreover, they have not offered, for instance, testimony from another developer with experience in [the city] indicating that such an expectation would have been reasonable.” As such, “this factor at most slightly favors plaintiffs—but not enough to overcome the weight of the other two factors.”

In sum, “plaintiffs offered no evidence of the economic impact of the challenged regulation; the character of the government’s action weighs against a taking; and while the extent of interference with investment-backed expectations may modestly support plaintiffs' position, it does not meaningfully tip the weight of an otherwise one-sided scale. Because the Penn Central factors do not support plaintiffs' claim, there is no genuine issue of material fact as to whether [defendant] effected a taking. It did not.” Affirmed. (Source: State Bar of Michigan e-Journal Number: 83675; May 27, 2025.)

<https://www.michbar.org/Portals/0/opinions/appeals/2025/051325/83675.pdf>

Promissory Estoppel Claim and Takings Claim

Case: *Hill v. Marengo Twp.*

Court: Michigan Court of Appeals, Unpublished Opinion, No. 367670, 2025 Mich. App. LEXIS 4827, 2025 LX 157976 (July 9, 2025, Decided).

Agreeing with the trial court that plaintiff “failed to plead viable claims premised on promissory estoppel, regulatory takings, and equal protection,” and that declaratory relief was unobtainable, the court affirmed. Plaintiff sued defendant-township alleging that, in reliance on its ordinance amendment allowing unlimited marijuana grower permits, he spent over \$300,000 to convert his property into a “Cannabis Grow Park,” in hopes of selling parcels to marijuana grow operators, but that defendant’s subsequent limit on permits rendered his property almost worthless. The trial court ruled for defendant and dismissed the case.

On appeal, the court rejected plaintiff’s argument that the trial court erred by granting defendant summary disposition of his promissory estoppel claim, noting he “did not establish the ‘promise’ element of promissory estoppel.” The ordinances at issue provided “that defendant’s board could review and amend the number of permits ‘annually or as it determines to be advisable.’ This language unmistakably demonstrates that defendant’s amendment to the number of . . . grower permits was not a promise to plaintiff that the number of permits would remain indefinitely ‘unlimited.’”

The court also upheld summary disposition of his regulatory taking claim. “[A]ccepting plaintiff’s factual allegations as true and applying them to the Penn Central balancing test, we conclude . . . that no compensable taking of plaintiff’s property occurred . . . [and] that no factual development could change this outcome,” rendering summary disposition on this issue appropriate. Because he “failed to plead facts demonstrating either a categorical taking of his land such that his property was rendered wholly unusable, or a noncategorical taking under the Penn Central inquiry, the trial court correctly granted summary disposition on plaintiff’s takings claim.”

The court also held that the trial court did not err by granting defendant summary disposition of his equal protection claim. He “did not identify a similarly situated property owner whom defendant treated differently under the ordinance.” His allegation that defendant told two marijuana growers “that it would issue additional Class C grower permits to them has no bearing on plaintiff’s position as a seller of land, because he does not grow marijuana and he did not assert that he applied for any Class C grower permits that defendant denied.” Finally, because it affirmed the dismissal of his underlying claims, it likewise affirmed “dismissal of his claim for declaratory relief.” (Source: State Bar of Michigan *e-Journal* Number: 367670; July 9, 2025.)

<https://www.michbar.org/Portals/0/opinions/appeals/2025/070925/83961.pdf>

Land Divisions & Condominiums

ZBA Did Not Provide Sufficient Factual Findings Land Division Variance

Case: *Keep Whitewater Twp. Rural, Inc. v. Township of Whitewater*

Court: Michigan Court of Appeals, Unpublished Opinion, No. 371421, 2025 Mich. App. LEXIS 4695, 2025 LX 110292, 2025 WL 1682203 (June 13, 2025, Decided).

Holding that appellee-township’s ZBA did not provide sufficient factual findings, the court vacated the trial court’s order affirming the ZBA’s order and remanded to the ZBA for further explanation of its decision to grant a land-division variance. Appellee’s ZBA granted a land-division variance allowing a

parcel of real property owned by third-party intervenor to comply with relevant ordinances, despite the fact that the parcel did not comply with the requirement that its depth-to-width ratio must not exceed 4:1. The trial court affirmed.

On appeal, the court rejected appellant's argument that the procedure used to approve the land division in 2020, which created the subject parcel, rendered the ZBA's 2023 variance award invalid. "We cannot see how an alleged procedural deficiency in the 2020 land-division approval process could have any impact on the 2023 variance request, given the fact that the 2020 land-division approval had been deemed invalid by the time of the 2023 variance request." However, the "ZBA provided insufficient factual findings on" the five necessary "elements to permit us to meaningfully review the ZBA's decision to grant a variance." Because the ZBA "gave no meaningful explanation for its decision, the [trial] court grossly misapplied the substantial-evidence test to the ZBA's factual findings when it affirmed the ZBA's order." [Vacated and remanded to the ZBA for further consideration] (Source: State Bar of Michigan *e-Journal* Number: 83858; June 30, 2025.)

<https://www.michbar.org/Portals/0/opinions/appeals/2025/061325/83858.pdf>

Appeals, Variances (use, non-use)

Expired Variance Does Not Establish a Vested Property Right

Case: *Dalaly v. Charter Twp. of W. Bloomfield Zoning Bd. of Appeals*

Court: Michigan Court of Appeals, Unpublished Opinion, No. 368665, 2025 Mich. App. LEXIS 1062, 2025 LX 273081, 2025 WL 452522 (February 10, 2025, Decided).

Holding that a zoning use variance is a vested property right only if the variance is acted upon by the applicant, the court reversed the trial court's order and remanded. Defendant-ZBA denied plaintiff's application for variances on his property. After remand by the trial court, the ZBA "moved to 'grant the minimum variances necessary to accommodate a commercial building not to exceed 3,352 square feet total.'" Plaintiff never obtained a building permit, and construction never started. Five years later, the Township Board adopted an ordinance providing that "the ZBA was no longer authorized 'to grant use variances.'" Plaintiff sought to have the court ordered variances granted because the prior variances granted by the ZBA were ineffective under the new ordinance. The trial court found that plaintiff possessed "a vested right in the use variances previously granted" and remanded to the ZBA.

On appeal, the court agreed with the ZBA that the trial court erred by denying its motion for relief from judgment as it fulfilled the requirements of the trial court's earlier order by granting the variances, that "those variances expired and became null and void" through no fault of the ZBA, and that it no longer had legal authority to grant plaintiff the requested use variances. "The ZBA carried out the trial court's mandate by granting to plaintiff the requested variances . . . , and no further action was required to comply with the order." In addition, "plaintiff had one year from the time his zoning use variance was granted to obtain a building permit, and the variance did not take effect, i.e. it did not vest, until a building permit was issued." As in *Norman*, "because plaintiff never acted upon the variances granted to him" in 2012, he never acquired a vested property right.

“Under the plain language of the applicable zoning ordinance, the approval of the variances expired and became null and void, and plaintiff never timely requested the ZBA to extend the time period to secure a building permit. It is undisputed the variances became ineffective as a result.” The court concluded it was “bound to apply the zoning ordinance as amended,” and the ZBA cannot reissue the variances. Finally, the court found moot the ZBA’s contention that the trial court erred by granting plaintiff’s motion for civil contempt, noting the trial court did not explicitly hold the ZBA in contempt. (Source: State Bar of Michigan e-Journal Number: 83130; February 24, 2025.)

<https://www.michbar.org/Portals/0/opinions/appeals/2025/021025/83130.pdf>

As in Norman, “because plaintiff never acted upon the variances granted to him” in 2012, he never acquired a vested property right.

Nonconforming Uses

Reconstruction of a Nonconforming Cabin Requires Permits

Case: *West Bloomfield Twp. v. United German Am. Recreational Soc’y*

Court: Michigan Court of Appeals, Unpublished Opinion, No. 366565, 2025 Mich. App. LEXIS 1253, 2025 WL 511175 (February 14, 2025, Decided).

The court held that the trial court did not err by granting plaintiff-township summary disposition of its action against defendants-landowners. Defendants demolished their old cottage and constructed a new, larger one on the property. Plaintiff eventually sued, seeking demolition of the new cottage based on zoning violations, public nuisance, and nuisance per se. On appeal, the court rejected defendants’ argument that the trial court erred by concluding there was no genuine issue of material fact as to their equitable estoppel affirmative defense. As a threshold matter, it noted that while factual disputes remained as to whether defendants obtained a building permit in compliance with the ZO, this was immaterial because they were “not able to meet the justifiable reliance standard to prevail on their equitable estoppel defense.” Under circumstances in which plaintiff made it clear that defendants’ “newly constructed cottage violated the [ZO], the trial court did not err by holding that [their] reliance on the issuance of the building permit was not justified and would not equitably estop the township from enforcing the” ZO.

The court next found that “genuine issues of material fact did not remain for trial regarding whether [defendants’] reliance on the township’s past pattern of conduct was justified in establishing their belief that [it] would not enforce the provisions of its [ZO] as they constructed their new cottage.” The evidence suggested “that plaintiff did not consistently enforce its [ZO] in the years after its enactment in 1966, and it” supported defendants’ contention that plaintiff “allowed members of the UGARS community to secure permits for alterations, additions, and renovations after the fact.”

But the “specific issues here are whether plaintiff either intentionally or negligently induced [defendants] to believe that it would not enforce its [ZO], and whether it was justifiable for” them to rely and act on this belief. To the extent they suggested they were “being treated differently than anyone else in the UGARS membership or that their lot is being treated disparately than any other lot on the UGARS property, [plaintiff] has conceded that it did issue after-the-fact permits for more minor alteration, addition and renovation work.” However, aside from defendants, only one other couple completely demolished and rebuilt “a new home without the required approval and permits . . . , and their structure

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was ordered to be demolished in” 12/20. More significantly, defendants did “not put forth any evidence to indicate that any other demolished or rebuilt structures were not required to submit to the same permit requirements of the” ZO. Affirmed. (Source: State Bar of Michigan *e-Journal* Number: 83186; March 5, 2025.)

<https://www.michbar.org/Portals/0/opinions/appeals/2025/021425/83186.pdf>

Upgrade to Shooting Range Not an Unlawful Expansion of Prior Nonconforming Use

Case: *Pierce v. Nye*

Court: Michigan Court of Appeals, Unpublished Opinion, No. 368883, 2025 Mich. App. LEXIS 4962, 2025 WL 1752109 (June 24, 2025, Decided).

The court held that the trial court did not err by ruling “that the recent use of the east side of the” defendant-sport shooting range “was not an unlawful expansion of defendants’ prior nonconforming use.” This private zoning enforcement case arose from plaintiffs’ concerns of increased shooting activity at the range. The court noted that “the range was operating as a prior nonconforming use under both the 1979 ordinance and the current ordinance.”

The crux of the issue here was “whether the sporting clays course on the east side of the property was unlawfully extended or enlarged in 2021, in violation of 2008 Ordinance, § 19.03(1)(a).” The court concluded that it was not. It found “that the trial court did not clearly err by determining that the Spring 2021 upgrades were merely a continuation of the range’s legal, prior nonconforming use status. The upgrades did not amount to an entirely new shooting concept or facility. Instead, the upgrades were made to regulate the shooting range and effectuate a safer experience for the range’s customers. Importantly, the same style of shooting took place before and after the upgrades were made. Accordingly, the continuation of the nonconforming use of the property did not expand the previous nonconforming use.” Affirmed. (Source: State Bar of Michigan *e-Journal* Number: 83905; July 10, 2025.)

<https://www.michbar.org/Portals/0/opinions/appeals/2025/062425/83905.pdf>

Open Meetings Act, Freedom of Information Act

Marijuana Selection Committee Subject to OMA

Case: *Blue Water Cannabis Co., LLC v. City of Westland*

Court: Michigan Court of Appeals, Unpublished Opinion No. 359144, 2025 Mich. App. LEXIS 3131, 2025 LX 67182 (April 21, 2025, Decided).

On remand from the Supreme Court for reconsideration in light of Pinebrook Warren II, the court held that the trial court erred in ruling that defendant-Westland Marijuana Selection Committee (the SC) “could not have violated the OMA because it was not a ‘public body.’” The case arose from defendant-city’s process for granting licenses to sell marijuana. “The OMA requires that ‘meetings,’ ‘decisions,’ and ‘deliberations’ of a ‘public body’ must be open to the public.” The Supreme Court, in Pinebrook Warren II, held that defendant-city of Warren’s “Review Committee, which functioned in a very similar manner to that alleged with respect to the city’s [SC] in this case, was acting as a ‘public body.’” The allegations here were “very similar to those in Pinebrook Warren. In both cases, a separate committee was set up to review and score applications for licenses, and the final results were sent to the governing body, the city council, for its decision.

Plaintiffs alleged in this case, as was alleged in Pinebrook Warren, that the committee was charged with reviewing and scoring the applications, and that the city council did not independently consider the merits of those applications. Therefore, under Pinebrook Warren II, plaintiffs' allegations, if proven, would support the conclusion that the [SC] in this case was the de facto decisionmaker" as to awarding marijuana-seller licenses and thus, "subject to the OMA." The arguments made by defendants and intervening defendants did "not alter this conclusion." While they pointed "out that appeals from the decisions of the city's Review Board were open to the public, it is the activity of the [SC] that is at issue in plaintiffs' OMA claims.

By the time the Review Board heard appeals, the selection process had been completed and the applicants had already been ranked." Further, it appeared that it "made no changes to the [SC's] recommendations, suggesting that [it] may have merely 'rubber stamped' the [SC's] work. Additionally, the city council arguably had insufficient time to engage in an independent review of the work performed by the [SC] if it was only acting in an advisory capacity. Defendants and intervening defendants" failed to establish this case was "different enough from Pinebrook Warren to compel a conclusion that they should prevail as a matter of law." The court reversed the portion of the order granting them summary disposition under MCR 2.116(C)(8) on the OMA claims and remanded. (Source: State Bar of Michigan *e-Journal* Number: 83576; May 7, 2025.)

<https://www.michbar.org/Portals/0/opinions/appeals/2025/042125/83576.pdf>

Special Use and Site Plans

Moratorium on Wind Project SLUP

Case: *Algonquin Power (MI Energy Devs.) LLC v. Township of Speaker*

Court: Michigan Court of Appeals, Unpublished Opinion, No. 371424, 2025 Mich. App. LEXIS 4897, 2025 WL 1730087 (June 20, 2025, Decided).

In this case involving a moratorium on applications for commercial wind project SLUPs, the court dismissed the appeal as moot. Defendant-Township of Speaker challenged the trial court's grant of a writ of mandamus to plaintiff (doing business as Liberty Power), "requiring that its SLUP application be considered by Speaker by a date certain, as well the trial court's holdings that the moratorium should have been passed by amendment to Speaker's zoning ordinance, and did not advance a legitimate governmental purpose." Speaker asserted "that the trial court erred in: (1) holding that the moratorium required an amendment under the MZEA; (2) determining the moratorium did not advance a legitimate governmental purpose; and (3) issuing the writ of mandamus." Among other things, Liberty asserted that the appeal was moot.

The court failed "to see any actual case or controversy with regard to whether Speaker lawfully enacted its initial moratorium for a legitimate governmental purpose. Speaker heard and denied Liberty's SLUP application, and just days later, enacted a moratorium by referendum in accordance with the MZEA, which is what Liberty claimed was required." Thus, it was "unclear what legal effect a ruling on these issues would have on the existing controversy." Speaker argued the issue was not moot, asserting "that it expects Liberty to appeal the denial of its SLUP application[.]" But the court noted that "any potential appeal of Speaker's denial of Liberty's application does not alter this Court's decision, as we should only consider the effect of our ruling on the existing controversy." Speaker also asserted "that, even if moot, the issue of whether a police power moratorium is valid in these circumstances is one of public significance that is likely to recur, yet evade judicial review, citing the fact that Liberty raised the issue in

another lawsuit[.]” However, merely “stating that municipalities often adopt moratoria outside of zoning ordinance amendments, citing to a federal district court case in which a municipality used its police power to adopt a moratorium and to the fact that Liberty has previously made this argument, has not convinced us that recurrence is likely, as opposed to simply possible. Michigan caselaw, albeit unpublished, has addressed this issue, and as Speaker argues, this issue may arise in a subsequent appeal of the decision denying the SLUP application.” The court was also not convinced “that this is a matter of public significance.” Likewise, it found Speaker’s argument as to the writ of mandamus moot (Source: State Bar of Michigan *e-Journal* Number: 83884; July 7, 2025.)

<https://www.michbar.org/Portals/0/opinions/appeals/2025/062025/83884.pdf>

Riparian, Littoral, Water’s Edge, Great Lakes Shoreline, Wetlands, Water Diversion

Floating Home Ordinance Upheld

Case: *Dune Ridge SA LP v. City of Saugatuck*

Court: Michigan Court of Appeals, Unpublished Opinion, No. 367059, 2025 Mich. App. LEXIS 4679, 2025 WL 1667080 (June 12, 2025, Decided).

In Docket No. 367059, the court reversed the trial court’s order finding that genuine issues of material fact existed regarding whether defendant-City was engaged in a governmental or proprietary function. The City was entitled to immunity on plaintiff’s (collectively, Dune Ridge) Counts IV, V, VI and IX. In Docket No. 367078, it affirmed “the trial court’s orders granting the City’s BOC Motion and Promissory Estoppel Motion and the trial court’s orders denying Dune Ridge’s BOC Motion and Ordinance Motion.” Dune Ridge entered into an agreement with the “City to swap parcels of land located along the Kalamazoo River. Though not expressed in the agreement itself, Dune Ridge planned to develop its resulting parcel into a high-end floating homes rental business.

The Saugatuck City Council (City Council), however, subsequently enacted several ordinances regulating the use of floating homes, which disrupted Dune Ridge’s plans.” The City argued, among other things, “that the trial court erred by denying its Immunity Motion because there is no genuine issue of material fact regarding the City’s entitlement to governmental immunity as to Dune Ridge’s tort claims.”

First, the court agreed “with the City that there is no genuine issue of material fact that the City was engaged in a governmental function when the alleged torts occurred, and the trial court erred by concluding otherwise.” There was “no genuine issue of material fact that the City was authorized to enter into the LSA and therefore was engaged in a governmental function when the alleged torts occurred. Accordingly, the trial court erred by denying the City’s Immunity Motion on this basis.” The court concluded that the “trial court also erred by finding that there was a genuine issue of material fact as to whether the City was engaged in a proprietary function.” The court found “no merit in Dune Ridge’s argument that the property exchange was commercial in nature or that there is otherwise a genuine issue of material fact as to whether the City’s primary purpose was to produce a pecuniary profit. Accordingly, the trial court also erred by denying the City’s Immunity Motion on this ground.” Reversed in part, affirmed in part, and remanded. (Source: State Bar of Michigan *e-Journal* Number: 83847; June, 26 2025.)

<https://www.michbar.org/Portals/0/opinions/appeals/2025/061225/83847.pdf>

Nuisance and other police power ordinances

Proper Procedure Followed in Entering Default Judgement Against Blighted Structure

Case: *Township of Tyrone v. Lesko*

Court: Michigan Court of Appeals, Unpublished Opinion, No. 367096, 2024 Mich. App. LEXIS 6845, 2024 WL 4100203 (September 5, 2024, Decided).

The court concluded it did not have jurisdiction to hear defendant-property owner's appeal by right of the order for demolition of a blighted structure on her property, and even if it did, she would be unable to prevail on the merits. A default judgment was entered against her. "Despite enough time elapsing for multiple adjournments of the show-cause hearing, defendant never moved to set aside the default judgment. Instead, she simply asked the [trial] court for more time to comply with it. Further, the order from which defendant has filed this claim of appeal is a show-cause order." The court noted it explained in *Moroun* "that 'an order finding a party in civil contempt of court is not a final order for purposes of appellate review.'" It was unclear "from the record if defendant was formally held in contempt of court. However, even if framed as an order enforcing the prior default judgment, defendant still maintains no right to appeal because she never moved to set aside the default."

She argued that the trial "court abused its discretion and clearly erred by determining without any expert testimony that the building was blighted in violation of the Township's ordinances." The court disagreed, noting the ordinance did "not require any expert testimony for a court to make findings regarding whether a building is blighted. Moreover, the complaint went unanswered, the court records do not show any defects in the motion for entry of default, and the [trial] court followed proper procedure by entering a default judgment. Because defendant did not answer the complaint, the [trial] court accepted allegations in the complaint as true and deemed the allegations of the blighted conditions admitted by defendant."

Given that she never moved to set aside the default, she "effectively admitted that the building is blighted and in violation of the" ordinance. The court also rejected her claim that the trial court should have allowed her more time to rehabilitate the structure. It concluded the "trial court acted reasonably within its discretion by ordering demolition because defendant failed on numerous occasions to show any proof that she is capable of performing the necessary repairs." Affirmed. (Source: State Bar of Michigan e-Journal Number: 82249; September 18, 2024)

<https://www.michbar.org/Portals/0/opinions/appeals/2024/090524/82249.pdf>

Right To Farm Act Defense in a Nuisance Abatement

Case: *Township of Fraser v. Haney*

Court: Michigan Court of Appeals, Unpublished Opinion, No. 368834, 2025 Mich. App. LEXIS 5336, 2025 WL 1900791 (July 9, 2025, Decided).

The court held that "the trial court erred as a matter of law in concluding that the RTFA defense was unavailable on nonretroactivity grounds, and did not make the additional factual findings necessary under the RTFA to enable further appellate review." But it did not err in ruling that laches and equitable

estoppel did not bar the action. This was a nuisance abatement action to enjoin a piggery owned by defendant-Haney, on real property within the boundaries of plaintiff-Township, under its zoning ordinance. The court noted that all “the relevant events in Travis occurred before the effective date of the 2000 amendment to the RTFA. In this case, plaintiff’s zoning ordinance has not changed since the 1970s, so under Travis the 2000 amendment to the RTFA did not retroactively invalidate that ordinance as applied to pre-2000 activity. But defendant began his pig farming operation after 2000, and plaintiff seeks only injunctive—not retrospective—relief. MCL 286.474(6), by providing that ‘a local unit of government shall not enact, maintain, or enforce an ordinance, regulation, or resolution that conflicts in any manner with this act or [GAAMPs]’ . . . prohibits prospective enforcement of a zoning ordinance that is contrary to the RTFA and GAAMPs, even if the enactment of the ordinance itself predated the 2000 amendment to the RTFA.

Therefore, the trial court erred as a matter of law by holding that defendant’s MCL 286.474(6) defense to plaintiff’s nuisance abatement action was barred under Travis.” Given that the “zoning ordinance must yield to the RTFA and GAAMPs,” the court turned to whether defendant “raised a meritorious RTFA defense.” It found “no error, much less clear error, in classifying defendant’s activities as a farm operation. [He] testified that he initially raised elk and deer, and later approximately 50 pigs, for profit. He also testified that he would sell variable amounts of pigs for hunting at \$400 to \$450 apiece and would sell approximately twenty pigs per year at auction where they would fetch \$150 to \$250 each.”

The court found that he “met his burden to show that he was engaged in the ‘commercial production of a farm product,’ because he cultivated animals that were ‘intended to be marketed and sold at a profit.’” But because the trial court found “that the RTFA did not apply, it did not make any factual findings or a legal determination regarding the second element of the RTFA defense: whether defendant’s farm operation conformed to ‘all applicable GAAMPs.’” The court concluded that this “failure to make factual findings regarding defendant’s compliance with applicable GAAMPs inhibits appellate review of this issue, and requires a remand for the trial court to make such findings in the first instance.” it vacated the judgment for plaintiff and remanded. (Source: State Bar of Michigan e-Journal Number: 83963; July 18, 2025.)

<https://www.michbar.org/Portals/0/opinions/appeals/2025/070925/83963.pdf>

Marijuana, MRTMA

Regulatory Ordinance Alleged to be Zoning and Issues with Competitive Scoring

Case: *1864 US-23 LLC v. City of Port Huron*

Court: Michigan Court of Appeals, Unpublished Opinion No. 364708, 2024 Mich. App. LEXIS 6729, 2024 WL 4002340 (August 29, 2024, Decided).

In these consolidated appeals, the court held that (1) the trial court did not abuse its discretion in denying motions to file amended complaints, (2) the ordinance at issue was regulatory, not zoning, (3) defendant-city did not act arbitrarily and capriciously in scoring plaintiff-1864’s license application, and (4) the city’s ordinance did not conflict with the MRTMA. The case related to the issuance of licenses for marijuana retailers, provisioning centers, and designated consumption establishments in the city. In one of these appeals, plaintiff-BRT argued the trial court abused its discretion in denying BRT’s motion to file a second amended complaint. The court was inclined to agree the “proposed amended complaint would

not be ‘futile.’” But it found no abuse of discretion “for two reasons. First, the amended complaint would have added parties to this litigation. Thus, this litigation would not merely have expanded the legal issues already pending, the matter would have expanded the parties involved in” it. Second, while the trial court did not expressly discuss it, “several of the intervenors would have been unduly prejudiced if the amended complaints were allowed to be filed.”

In another appeal, intervenor-Trucenta argued the trial court erred in granting “summary disposition because the ordinance at issue is a regulatory ordinance, not a zoning ordinance.” The court disagreed. Apart from an ordinance specifically stating that the provisions of the article were “regulatory in nature and not intended to be interpreted as zoning laws[,]” the city’s zoning ordinances were found in Chapter 52. Further, nearly all “the provisions of the ordinance at issue concern the operation of marijuana facilities, not where those facilities must operate.” The court could not “identify a particular provision in the ordinance that expressly limits where a marijuana facility may, or may not, operate within the municipality. Such provisions are separately found in Chapter 52.”

It concluded that, on balance, the ordinance was regulatory rather than zoning. In another appeal, 1864 also argued the trial court erred in granting summary disposition. The court rejected its claim that it had a property interest in having its application properly scored. Further, it determined the plain language of the ordinance supported the city’s decision not to “award 10 points to 1864’s application for a structure exceeding 2,000 square feet.” Affirmed. (Source: State Bar of Michigan e-Journal Number: 82210; September 12, 2024.)

<https://www.michbar.org/Portals/0/opinions/appeals/2024/082924/82210.pdf>

Other Unpublished Cases

Rezoning Decision Not Arbitrary or Unreasonable

Case: Adkison-Hoyt v. Superior Charter Twp.

Court: Michigan Court of Appeals, Unpublished Opinion, No. 369764, 2025 Mich. App. LEXIS 2648, 2025 LX 270033 (April 8, 2025, Decided).

Concluding that ultimately, defendant-Superior Township Board of Trustees’s (the Board) “legislative decision to rezone the property was not arbitrary or unreasonable[,]” the court held that the trial court did not err by granting summary disposition to defendants. Plaintiffs (who own land near the property in question) contended that the Board’s decision to rezone the Dixboro property violated defendant-Superior Charter Township’s zoning ordinance. Plaintiffs first argued that “the rezoning did not meet the proper criteria required for PC zoning, per the Zoning ordinance’s language.” The court held that the “findings of fact, which the Board relied on when making its legislative determination to rezone the Dixboro property, were adequately supported by the record, which contains extensive documentation submitted by [intervening defendant-Garrett’s Space (GS)] regarding its plans for the site.”

The court saw “no cause to disturb the [Planning] Commission’s findings in this matter.” Also, it found that it bore “repeating that the Commission found, and the Board agreed, that rezoning the property would be rationally related to the goals set forth in the Township’s Master Plan.”

Plaintiffs had failed to present a genuine issue of material fact in relation to the Township’s adherence to the “zoning ordinance that would lead us to conclude that the trial court’s ruling should be reversed.”

They next contended “that the Dixboro property failed to meet the criteria applicable to PC zoning districts set forth in Superior Charter Township Zoning Ordinance, § 7.301(B).” Their complaints as to “§ 7.301(B) are unsupported by the record, and again only show that ‘legitimate difference[s]’ of opinion exist as to whether the Dixboro property should have been rezoned.” But plaintiffs had “again failed to show that the Board’s decision to rezone the property from A2 to PC zoning was invalid by presenting evidence that the zoning amendment was arbitrary or unreasonable.” Ultimately, they “have neither presented a compelling argument as to why this Court should not defer to the findings of the Commission, the Board, and the trial court,” nor did they show “a genuine issue of material fact warranting reversal[.]” Affirmed. (Source: State Bar of Michigan *e-Journal* Number: 83464; April 17, 2025.)

“repeating that the Commission found, and the Board agreed, that rezoning the property would be rationally related to the goals set forth in the Township’s Master Plan.”

<https://www.michbar.org/Portals/0/opinions/appeals/2025/040825/83464.pdf>

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Glossary

- **aggrieved party:** One whose legal right has been invaded by the act complained of, or whose pecuniary interest is directly and adversely affected by a decree or judgment. The interest involved is a substantial grievance, through the denial of some personal, pecuniary or property right or the

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imposition upon a party of a burden or obligation. It is one whose rights or interests are injuriously affected by a judgment.

- **clean-hands doctrine:** The clean-hands doctrine is the principle that a party's own inequitable misconduct precludes recovery based on equitable claims or defenses. The doctrine requires that a party act fairly in the matter for which they seek a remedy.
- **curtilage:** includes the area immediately surrounding a dwelling, and it counts as part of the home for many legal purposes, including searches and many self-defense laws.
- **defendant:** a person summoned to answer a charge or complaint.
- **de novo:** Latin, "anew." For example, a trial de novo is a trial anew or a new trial, as opposed to a mere review of the record of the first trial. De novo is one of the standards of review used, for example, by a trial court when reviewing the decision of a referee, or by an appellate court when considering a case on appeal.
- **estoppel:** the principle which precludes a person from asserting something contrary to what is implied by a previous action or statement of that person or by a previous pertinent judicial determination.
- **injunction:** 1. A judicial order restraining a person from an action or compelling a person to carry out a certain act. 2 . an authoritative warning.
- **laches:** unreasonable delay in asserting a claim, which may result in its dismissal.
- **mandamus:** a judicial writ issued as a command to an inferior court or ordering a person to perform a public or statutory duty.
- **Plaintiff:** In a civil matter, the party who initiates a lawsuit (against the defendant).
- **stare decisis:** the legal principle of determining points in litigation according to precedent. ORIGIN Latin, literally 'stand by things decided'.
- **sua sponte:** to act spontaneously without prompting from another party. The term is usually applied to actions by a judge, taken without a prior motion or request from the parties. ORIGIN Latin for 'of one's own accord'.
- **writ:** a form of written command in the name of a court or other legal authority to do or abstain from doing a specified act. (one's writ) one's power to enforce compliance or submission. 2. archaic a piece or body of writing.

For more information on legal terms refer to:

1. Cornell Legal Information Institute,
<https://www.law.cornell.edu/>

2. *Handbook of Legal Terms* prepared by the Michigan Judicial Institute for Michigan Courts:
<https://www.courts.michigan.gov/resources-for-judges-court-staff/court-staff/mji-resources-for-trial-court-staff/other-resources/>

2025 Zoning Cases Review (Part I): Top Takeaways from Five Recent Michigan Zoning-Related Cases

Throughout 2025, appellate courts at both the state and federal level issued several decisions that will have a notable impact on townships and municipalities across Michigan. Given the large volume of recent zoning-related municipal cases, this E-Letter could not cover them all. Instead, it focuses on five cases that stood out from last year. These decisions address issues ranging from proper inspection procedures to the preemptive effect of the Right to Farm Act and vested rights based on unlawfully issued permits. This E-Letter explores these issues in depth and provides practical takeaways for municipal officials and those interested in zoning to consider for actions moving forward in 2026.

Sixth Circuit Holds Code Enforcement Can Violate the Fourth Amendment

Zoning Ordinance administration requires enforcement. Enforcement regularly includes investigations and general fact-finding regarding whether a potential zoning violation exists. Many zoning administrator and code enforcement officials often wonder whether a warrant is required. In the case of *Mockeridge v. Harvey*, 149 F.4th 826 (6th Cir. 2025), the Sixth Circuit visited boundaries on how local officials may investigate potential zoning and housing code violations. The Sixth Circuit held that government officials who enter private property without a warrant or consent from the property owner to investigate code compliance may violate the Fourth Amendment's protection against unreasonable searches—even when they are merely observing exteriors of structures.

The Mockeridges purchased remote, woodland property in northern Michigan in 2020. They installed five prefabricated 200-square-foot “mini-cabins” approximately 80 feet from an original cabin to serve as sleeping quarters. Each cabin had beds, closets, lofts, electricity, porches, and windows, but no plumbing.

In June 2021, three local government officials entered the property without a warrant or consent after receiving complaints from neighbors about the Mockeridges potentially operating a public campground. The officials entered through the woods of an adjacent property, inspected the cabins and surrounding areas, and even looked through the windows. The cabins were unoccupied at the time. One official noted that a mini-cabin appeared to violate the Township's setback requirements and measured setback distances.

The Sixth Circuit focused its analysis on whether this conduct constituted an unreasonable search under the Fourth Amendment. Under the property-based approach recently reemphasized by the Supreme Court in cases like *Florida v. Jardines* and *Collins v. Virginia*, a search occurs when the government physically intrudes on a house or its curtilage to conduct a search for purposes of a potential violation of

local ordinance and obtains information regarding that search. Curtilage is defined as the area immediately surrounding a home, including the yard, grounds, and outbuilding. The court found that the mini-cabins qualified as “houses”. The court further determined that officials were on the curtilage given the circumstances of coming within a few feet of these homes in a secluded area.

Because officials gathered information regarding whether violations existed for local housing, zoning, and sanitation regulations during this intrusion, it was a search. The court emphasized that this situation differs from a tax assessor viewing property, as the Sixth Circuit had previously considered acceptable in *Widgren v. Maple Grove Twp.*, 429 F.3d 575 (6th Cir. 2005), as there was no physical intrusion or touching of the house or surrounding area.

The search was also unreasonable because warrantless searches are presumptively unreasonable, and no exception applied. The interest of officials in identifying potential housing-code violations was “minimal compared to the significant intrusion on the property rights” of the Mockeridges. The court stated that “the right to be free from a warrantless code-compliance search with no alternative pre-compliance review was clearly established.” See *Gardner v. Evans*, 920 F.3d 1038 (6th Cir. 2019).

There are several takeaways from this decision:

1. Municipalities should review their code enforcement inspection procedures. Officials should consider whether to amend such procedures to not enter private property—including through adjacent properties—to investigate zoning or code complaints without either obtaining consent, a warrant, or conducting observations only from public rights-of-way.
2. The code enforcement officers should be particularly suspect and consider a warrant when entering to conduct a search of curtilage of a “home”. Municipalities should consult with their attorneys about what inspections can be lawfully conducted and under what circumstances.
3. Municipalities should consider implementing administrative inspection warrant procedures and identify the Michigan forms for situations where consent is not obtained.
4. Administrative search warrants always provide constitutional protections for necessary inspections.

Michigan Court of Appeals Confirms Right to Farm Act Can Preempt Local Zoning—Even When Farming Began After Ordinance Enactment

The Michigan Court of Appeals heard a case regarding the effectiveness of the Michigan Right to Farm Act (“RTFA”) in relation to local zoning ordinances. *Township of Fraser v. Haney* (Case No. 368834 (July 9, 2025)). There, the Michigan Court of Appeals held that even if farming operations began after the RTFA was amended in 2000, RTFA can still preempt local zoning ordinances. The time when the ordinance was in effect is irrelevant.

The plaintiff purchased property in 1986 that was zoned commercial; raising livestock was not an allowed use under the Township’s Zoning Ordinance. Regardless, the plaintiff began raising deer and elk in 1989, allegedly based on verbal approval from the Township Supervisor. In 2006, the plaintiff started raising pigs on the property. The Township claimed it first became aware of pigs on the property in 2016, after which it promptly filed a nuisance abatement action.

The trial court held plaintiff’s pig operation violated the Township’s zoning ordinance and granted an injunction. The Court of Appeals reversed and remanded, finding that the RTFA provides plaintiff with a potential defense to continue his pig operation.

Under MCL 286.471 *et seq.*, the RTFA establishes circumstances where a farm and its operation may not be deemed a public or private

nuisance. The RTFA provides this protection as an affirmative defense if a defendant can prove two conditions: (1) the activity or condition challenged is a farm or farm operation; and (2) the farm or farm operation conforms to the generally accepted agricultural and management practices (“GAAMPs”).

The Township argued that the 2000 RTFA amendment could not apply because plaintiff’s zoning violations predated it. The court disagreed. While the 2000 amendment cannot apply retroactively under *Travis v. Preston*, 249 Mich. App. 338 (2002), this fact did not matter here because plaintiff began his pig farming *after* the 2000 amendment, and the Township was seeking prospective injunctive relief. As a result, the court remanded to the trial court to determine whether plaintiff’s pig operation conforms to GAAMPs.

The court also addressed two equitable defenses. First, laches did not bar the Township’s action because the Township discovered the pigs in 2016 and promptly filed suit. While the state had previously sent a letter about “wild boars,” the court noted that the complaint related to *domestic hogs*—therefore, no unreasonable delay existed.

Second, the Township was not equitably estopped from seeking an injunction based on the previous “permission” allegedly granted by the Township Supervisor. The court emphasized that “townships are not estopped from enforcing their ordinance absent exceptional circumstances”. Such exceptional circumstances do not include “casual private advice from township officials”. The court also noted that mere failure to enforce an ordinance is insufficient to give rise to equitable estoppel. See *Charter Township of Lyon v. Petty*, 317 Mich. App. 382 (2016).

The practical takeaways from this case are significant:

1. The RTFA can preempt local zoning ordinances for farming operations that comply with GAAMPs—regardless of when the zoning ordinance was enacted.
2. Casual conversations between township officials and property owners do not constitute the type of “official permission” that could support equitable estoppel. However, municipalities should train officials to avoid making any representations about zoning compliance that could be misconstrued.
3. Mere delay in enforcement does not create laches or estoppel—but municipalities should still act promptly upon discovering violations to avoid factual disputes about when knowledge arose.

Unlawfully Issued Permits Do Not Create Vested Rights

In *Hart v. Township of Presque Isle* (Case No. 24-2124 (Sept. 8, 2025)), the Sixth Circuit addressed when a building permit creates a vested property right sufficient to support procedural due process and takings claims. The court held that permits **issued in violation** of zoning ordinances do not create vested rights—even when the property owner relies on the permit and completes substantial construction.

The Harts purchased lakefront property in Presque Isle Township. They applied for a permit to construct a 2,500-square-foot home. The Township’s zoning ordinance required specific detailed plans drawn to scale for every permit application. The Harts attached a drawing to their application, but the drawing lacked required details. Despite these deficiencies, the Township Zoning Administrator issued the permit.

The Harts then proceeded to bring truckloads of fill dirt and raised the lot above the ordinance maximum height. They also brought rocks to extend their lakefront footage and installed a pier, changing the shoreline. Neighbors escalated the matter to the Township, and the Zoning Administrator issued a stop-work order **without providing the Harts prior notice or a hearing**.

A hearing was held before the Zoning Board of Appeals, which revoked the Harts' permit because it lacked the required scaled drawings. The Harts obtained a new permit with proper drawings and completed construction but experienced a 70-day delay and their original builder abandoned the project.

The Harts sued under § 1983, alleging: (1) deprivation of procedural due process because the stop-work order issued without prior notice or hearing; and (2) a Fifth Amendment temporary taking for the duration of the stop-work order. The Sixth Circuit found in favor of the Township, holding that the Harts had no vested property right because their permit was issued in violation of zoning ordinances requiring scaled drawings.

While the existence of a permit is an important factor in procuring a vested right, the permit must be *lawful*. The court discussed the proposition that permits issued in violation of existing laws do not establish vested rights, even when relied upon. The Harts argued that the Township should be estopped from enforcing zoning ordinances based on equity and good conscience when the land is permanently deprived of value. The court rejected this notion, however, as the Harts still had beneficial use for the property and now enjoy full use of their house despite additional cost and inconvenience.

Without a protected property interest, the Harts' procedural due process claim necessarily failed. Similarly, the Harts' Fifth Amendment takings claim could not proceed. The court explained that a use for a particular purpose is not a "taking" if the right never existed in the first place.

Several interesting takeaways emerge from this case:

1. Municipalities should ensure zoning administrators carefully review permit applications for compliance with all ordinance requirements before issuing permits. While the Township prevailed, the litigation could have been avoided entirely with proper initial review.
2. Stop-work orders could still be accompanied with post-deprivation hearings to address any concerns a property may have who claims to have a vested property right.

Rezoning vs. Amendment Notice Requirements

The Michigan Court of Appeals also addressed whether amending a zoning ordinance to add permitted special uses within an existing zoning classification constitutes rezoning that triggers personal mailed notice requirements under the Michigan Zoning Enabling Act (MZEA). *Montrief v. Macon Township Board of Trustees* (Case No. 368603 (October 6, 2025)).

Plaintiffs were landowners in the Township. In 2017, the Township Board amended its zoning ordinance to facilitate installation of an industrial-scale solar panel facility occupying over 2,700 acres. A solar developer eventually submitted a special land use permit application, which the Planning Commission recommended for denial. However, the Township Board approved it in 2020.

Plaintiffs challenged the Board's decision, arguing that the ordinance was invalid because it violated notice provisions in the MZEA and Township zoning ordinances. They contended that personal mailed notice was required because the amendments constituted rezoning.

The question turned on whether this action by the Township was considered "rezoning" under the MZEA, which requires different notice for rezoning than for ordinary amendments. The Board did not change the zoning classification of the land itself but *did* amend the Township zoning ordinance to change what special uses were permitted within the current classifications—providing notice only by publication.

The Court of Appeals found in favor of the Township. The court noted that “rezoning” is undefined in the MZEA, but based on statutory interpretation, the court determined that rezoning means “reclassifying property as belonging to a different zone or being subject to different restrictions.” The court concluded that the Board did not fail to comply with the MZEA notice provision because personal notice was not required; this was not rezoning, as there was no reclassification of specific properties to a new zoning classification. The Township merely amended its ordinance to add a new special use category that would be available across the applicable zoning district.

Takeaways from this case include the following:

1. Municipalities should understand the distinction between “rezoning” (which requires personal mailed notice) and “amending” a zoning ordinance (which typically requires only publication notice). Rezoning involves reclassifying specific properties to a different zoning district; amending involves changing what uses are permitted within existing districts.
2. When drafting ordinance amendments, municipalities should clearly articulate whether the action constitutes a district-wide text amendment or a site-specific rezoning—this will determine the appropriate notice procedures.

Legislative Rezoning Decisions Remain Presumptively Valid—Challengers Face High Bar

Consistent with the determining rezonings, these municipal board actions, themselves, are provided significant deference. The Michigan Court of Appeals reaffirmed that legislative rezoning decisions are presumptively valid and that challengers bear a heavy burden to overcome this presumption. (*Adkison-Hoyt v. Superior Charter Township*, Case No. 369764 (April 8, 2025)).

Plaintiffs owned land in Superior Charter Township. A buyer sought to purchase the property adjacent to Plaintiffs’ properties in order to build a managed residential center to assist young adults with mental health struggles. Such a project required rezoning from an agricultural district to planned community zoning. The buyer requested the rezoning, and Plaintiffs campaigned against it. In July 2023, the Township Board voted to approve the rezoning over Plaintiffs’ objections.

Plaintiffs subsequently sued the Township, seeking injunctive and declaratory relief. Plaintiffs argued the rezoning was inconsistent with the Township Master Plan—that dormitories, offices, and services were incompatible with the area’s current designation for rural, low-density residential, and agricultural uses. They also raised concerns about impacts on nearby wetlands. Finally, Plaintiffs alleged their substantive due process rights were violated.

The trial court and the Court of Appeals ruled in favor of the Township. The court emphasized that zoning is a legislative act. Such acts are presumed reasonable unless the challenger shows that there is no reasonable governmental interest advanced by the zoning ordinance. Here, Plaintiffs failed to show the rezoning was arbitrary or unreasonable. The court found that the Planning Commission’s findings supported the rezoning decision and followed the Township’s zoning ordinance. Critically, the court emphasized that courts “must give great deference to . . . the zoning board’s findings.” (quoting *Edward C. Levy Co. v. Marine City Zoning Board of Appeals*, 293 Mich. App. 333, 340 (2011)). Plaintiffs did not present evidence to refute the Planning Commission’s findings—merely expressing a “difference in opinion.”

This case provides important pointers on rezonings that affirms the deference courts give to a Township’s legislative decisions: Municipalities should take comfort that properly supported rezoning decisions will be upheld. These decisions are further supported by planning commission findings consistent with the legislative decisions by Townships.

Conclusion

These 2025 zoning decisions demonstrate the continued evolution of land use law in Michigan. From constitutional limits on code enforcement inspections to the proper notice requirements for zoning amendments, courts continue to refine the rules governing how municipalities regulate land use.

These cases underscore several important principles for municipal officials and staff: (1) code enforcement inspections should either obtain consent, a warrant, or observations limited to public rights-of-way, as warrantless entry onto curtilage can violate the Fourth Amendment; (2) the Right to Farm Act continues to preempt local zoning for compliant farm operations, and casual conversations with officials do not create estoppel; (3) permits issued in violation of zoning ordinances do not create vested property rights; (4) amending a zoning ordinance to add special uses is not “rezoning,” and, thus, does not require personal mailed notice; and (5) legislative rezoning decisions are presumptively valid and challengers face a high burden.

It is important to stay up to date on recent developments in Michigan law and consider how those changes may impact your zoning processes, decisions and ordinances in your municipality.

By Christopher S. Patterson and Joseph T. Greene

This publication is intended for educational purposes only. This communication highlights specific areas of law and is not legal advice. The reader should consult an attorney to determine how the information applies to any specific situation.

Fahey Schultz Burzych Rhodes PLC, Your Township Attorneys, is a Michigan law firm specializing in the representation of Michigan townships. Our lawyers have more than 150 years of experience in township law and have represented more than 150 townships across the state of Michigan. This publication is intended for our clients and friends. This communication highlights specific areas of law and is not legal advice. The reader should consult an attorney to determine how the information applies to any specific situation.

CONTACT

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Okemos, MI 48864

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FAX: 517.381.5051

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February 2, 2026

**Subject: Conway Township, Livingston County, State of Michigan
Notice of Distribution and Public Comment Period and the Public Hearing**

To Whom It May Concern,

In accordance with the requirements of Michigan's PA 33 of 2008 and related amendments, this is to notify you that the Conway Township, Livingston County, Michigan, has begun the 63-day distribution and public comment period for its Master Plan update. McKenna is assisting with this planning process. The distribution period is from January 23, 2026, to April 6, 2026.

The draft Master Plan is available for viewing at either the Conway Township Hall Offices (address below) or on the City's website at: <https://www.conwaymi.gov/>.

If you have any thoughts, concerns, or issues you feel should be addressed in this effort, **please send an email** stating your opinions, position, or questions regarding the Master Plan to Conway Township to **Kayla Poissant** at **pcsecretary@conwaymi.gov**.

Following the 63-day public comment period, the Planning Commission will hold a public hearing on April 13, 2026. The Commission will also consider adoption of the Master Plan at this meeting.

Conway Township thanks you for your cooperation and assistance.

Sincerely,

Liz Hart, AICP
Senior Planner

HOWELL TOWNSHIP
Application for Site Plan Review

3525 Byron Road Howell, MI 48855
Phone: 517-546-2817 ext. 108
Email: inspector@howelltownshipmi.org

Date 12-16-25

File # _____

Applicant Name MICHIGAN UNDERGROUND SPECIALISTS, LLC.

Parcel ID # 4706-28-200-040

Location of Property	<u>3401 W. GRAND RIVER, HOWELL, MI 48855</u>	Current Zoning Classification	<u>IFZ</u>
Existing Use	<u>EQUIPMENT STORAGE FACILITY AND OFFICE</u>	Proposed Use	<u>SAME USE, ADDING OUTDOOR STORAGE AREA TO THE SITE</u>

Check One:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Preliminary Site Plan Review (20.06) | <input type="checkbox"/> Final Site Plan Review (20.07) |
| <input type="checkbox"/> Temporary Use (14.25) | <input type="checkbox"/> Commercial/Industrial Development |
| <input type="checkbox"/> Subdivision/Site Plan Condo | <input type="checkbox"/> Multi-Family/Condo |
| <input type="checkbox"/> Planned Unit Development (PUD) Type: | 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> |

APPLICANT/LAND OWNER:
 MICHIGAN UNDERGROUND SPECIALISTS LLC.
 3401 W GRAND RIVER AVE
 HOWELL, MI, 48855-7603
 PH: (517) 546-9848

ENGINEER/SURVEYOR:
 KEBS, Inc.
 2116 HASLETT RD.
 HASLETT, MI. 48840
 PH: (517) 339-1014

DITCH WITCH EXPANSION

HOWELL TOWNSHIP, LIVINGSTON COUNTY, MICHIGAN

PROJECT DESCRIPTION:

EXISTING DITCH WITCH SITE PROPOSES TO ADD A GRAVEL STORAGE AREA TO PROVIDE ADDITIONAL EQUIPMENT STORAGE ON-SITE. A NEW FENCE WOULD ALSO BE INSTALLED ALONG THE PERIMETER.

SITE DATA

TAX ID: 4706-28-200-040
 ADDRESS: 3401 W. GRAND RIVER, HOWELL, MI
 SITE AREA: 331,077 S.F. = 7.60 ACRES
 ZONING: IFZ (INDUSTRIAL FLEX ZONE)
 ADJ. ZONING: IFZ

BUILDING SETBACKS

FRONT - 35 FEET
 SIDES - 10 FEET EACH SIDE MINIMUM TOTAL 25 FT
 REAR - 10 FEET

BUILDING/UNIT DATA

MAXIMUM BUILDING HEIGHT = 70 FT (LESS THAN 70')
 MINIMUM AREA OF LOT = 40,000 SF (OK)
 MINIMUM WIDTH WITHIN SETBACK = 120 FT
 MAXIMUM LOT COVERAGE = 75%
 LOT COVERAGE = 158,800/331,077 = 47.96%
 MAXIMUM FENCE HEIGHT AROUND OUTSIDE STORAGE = 12 FT
 PARKING PROVIDED = 24 SPACES

UTILITIES

WATER:
 EXISTING IN PLACE, NO CHANGES PROPOSED

SANITARY:
 EXISTING IN PLACE, NO CHANGES PROPOSED

STORM:
 EXISTING ON-SITE DETENTION BASIN, PROPOSED PRE-TREATMENT THEN DISCHARGE TO EXISTING DETENTION BASIN.

REVIEWING AGENCIES

HOWELL TOWNSHIP
 3525 BYRON ROAD
 HOWELL, MI, 48855
 PH: (517) 546-2817

LIVINGSTON COUNTY DRAIN COMMISSION
 2300 E. GRAND RIVER AVE, SUITE 105
 HOWELL, MI, 48843
 PH: (517) 546-0040

LIVINGSTON COUNTY ROAD COMMISSION
 3535 GRAND OAKS DRIVE
 HOWELL, MI, 48843
 PH: (517) 546-4250

CONSTRUCTION NOTE:
 APPLICANT/OWNER IS RESPONSIBLE FOR SECURING APPROPRIATE PERMITS AS REQUIRED BY THE TOWNSHIP AND OTHER APPLICABLE AGENCIES. PERMITS SHALL BE PROVIDED TO THE TOWNSHIP PRIOR TO CONSTRUCTION.

EX. LEGEND

● = SET 1/2" BAR WITH CAP	⊙ = SANITARY MANHOLE
□ = FOUND IRON AS NOTED	⊙ = DRAINAGE MANHOLE
— = DEED LINE	⊙ = ELECTRIC MANHOLE
— = DISTANCE NOT TO SCALE	⊙ = TELEPHONE MANHOLE
▨ = ASPHALT	⊙ = CATCHBASIN
▨ = CONCRETE	⊙ = SANITARY CLEANOUT
▨ = GRAVEL	⊙ = FIRE HYDRANT
⊙ = EXISTING SPOT ELEVATION	⊙ = VALVE
⊙ = EXISTING CONTOUR ELEVATION	⊙ = UTILITY POLE
— = SANITARY SEWER	⊙ = LIGHT POLE
— = STORM SEWER	⊙ = GUY POLE
— = WATER LINE	⊙ = GUY WIRE
— = GAS LINE	⊙ = UTILITY PEDESTAL
— = UNDERGROUND TELEPHONE	⊙ = TRANSFORMER
— = UNDERGROUND TELEVISION	⊙ = HANDHOLE
— = UNDERGROUND ELECTRIC	⊙ = ELECTRIC METER
— = OVERHEAD WIRES	⊙ = GAS METER
	⊙ = WATER METER
	⊙ = SIGN
	⊙ = POST
	⊙ = AIR CONDITIONING UNIT

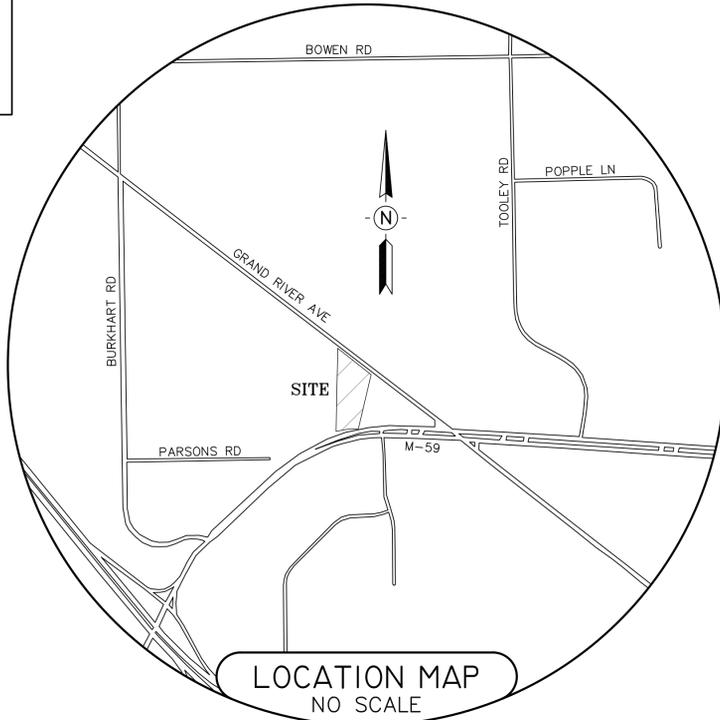
LEGEND

— — — — —	PROPOSED WATER MAIN
— — — — —	PROPOSED SANITARY SEWER
— — — — —	PROPOSED STORM SEWER
⊙	PROPOSED HYDRANT
⊙	PROPOSED GATE VALVE
⊙	PROPOSED SAN. M.H.
⊙	PROPOSED STORM M.H.
⊙	PROPOSED C.B.
⊙	PROPOSED GRADES
⊙	PROPOSED FIRST FLOOR ELEV.
⊙	PROPOSED TOP OF CURB ELEV.
⊙	PROPOSED TOP OF GROUND ELEV.
⊙	PROPOSED TOP OF PAVT ELEV.
⊙	PROPOSED TOP OF WALK ELEV.
⊙	DENOTES S.E.S.C. KEYING SYSTEM

BENCHMARKS

BENCHMARK #1 ELEV. = 944.56 (NAVD88)
 TOP OF NNE FLANGE BOLT NEXT TO "O" IN "OPEN", FIRE HYDRANT, 80' SOUTHWESTERLY OF CENTERLINE GRAND RIVER AVENUE, 25' NORTHWESTERLY OF CENTERLINE OF EASTERLY DRIVE TO #3401 W. GRAND RIVER AVENUE.

BENCHMARK #2 ELEV. = 943.01 (NAVD88)
 TOP OF SOUTHERLY FLANGE BOLT NEXT TO "O" IN "OPEN", FIRE HYDRANT, NORTHEASTERLY OF GRAND RIVER AVENUE, SOUTHERLY FROM #3480 W. GRAND RIVER AVENUE.



TOTAL AREA TO EXISTING DETENTION POND

TOTAL DEVELOPMENT AREA (AC)	EXISTING CONDITIONS	PROPOSED CONDITIONS
TOTAL DEVELOPMENT AREA (AC)	4.56	5.22
IMPERVIOUS AREA (AC)	3.63	4.29
TOTAL PERVIOUS AREA (AC)	0.93	0.93
PERVIOUS AREA BREAKDOWN BY COVER TYPE		
MEADOW/FALLOW/NATURAL AREAS (NON-CULTIVATED)	0.93	0.93
PREDOMINANT NRCS SOIL TYPE (A,B,C OR D)	B	B
PERVIOUS AREA		
IMPROVED AREAS (TURF GRASS, LANDSCAPE, ROW CROPS)	0	0.43
PREDOMINANT NRCS SOIL TYPE (A,B,C OR D)	N/A	B
WOODED AREAS	0.00	0.00
PREDOMINANT NRCS SOIL TYPE (A,B,C OR D)	N/A	N/A
CPVC VOLUME CALCULATED (CUBIC FEET)		20,188
CPVC VOLUME PROVIDED (CUBIC FEET)		20,188
CPVC VOLUME PROVIDED (CUBIC FEET)		29,505

ABBREVIATION CONVERSION CHART

& - AND	LF - LINEAR FEET
@ - AT	L.P. - LOW POINT
BM - BENCHMARK	M.H. - MANHOLE
BIT - BITUMINOUS	MIN - MINIMUM
C.B. - CATCH BASIN	N - NORTH
C.H. - CHORD	# - NUMBER
C/L - CENTERLINE	NO. - NUMBER
CL - CLASS	PAV'T - PAVEMENT
C.O. - CLEAN OUT	PERP - PERPENDICULAR
CONC. - CONCRETE	± - PLUS OR MINUS
CMP - CORRUGATED METAL PIPE	PC - POINT OF CURVE
CULV'T - CULVERT	PT - POINT OF TANGENT
DIA - DIAMETER	PROP - PROPOSED
E - EAST	RT - RIGHT
ELEV - ELEVATION	R.O.W. - RIGHT OF WAY
EX - EXISTING	SA - SANITARY
EXT. - EXISTING	SAN - SANITARY
EXIST. - EXISTING	S - SOUTH
F-F - FACE TO FACE	SY - SQUARE YARD
F-FL - FIRST FLOOR ELEV.	SQ. FT. - SQUARE FEET
	STA - STATION
	ST. - STORM
	STM. - STORM
G.V. - GATE VALVE	T/CAS - TOP OF CASTING
GA - GAUGE	T/C - TOP OF CURB
HYD - HYDRANT	T/G - TOP OF GROUND
I.E. - INVERT ELEVATION	T/P - TOP OF PAVEMENT
LN - LANE	T/W - TOP OF WALK
LT - LEFT	TYP - TYPICAL
	W - WEST
	W/ - WITH

CERTIFICATE OF SURVEY:

I hereby certify only to the parties named hereon that we have surveyed at the direction of said parties, a parcel of land previously described as:

(As provided)
 Tax ID: 4706-28-200-040
 SEC 28 T3N R4E COMM E 1/4 COR SEC 28 TH DUE W 562.60 FT TH N 51° 45' 00" W 1797.70 FT FOR POB TH TH S 14° 54' 00" W 733.43 FT TH S 83° 35' 20" W 78.00 FT TH ALG AN ARC LEFT 146.06 FT RADIUS 2106.86 FT DELT 03° 58' 19" CHORD BEARS S 81° 36' 10" W 146.03 FT TH N 10° 43' 00" E 940.94 FT TH S 51° 45' 00" E 300.00 FT TO POB ALSO INCLUDES SEC. 28 T3N, R4E, COM. AT E 1/4 COR. THENCE DUE W. 562.60 FT TH N 51° 45' 00" W 2097.70 FT FPR POB TH S 10° 43' 00" W 940.94 FT TH ALG TH N'LY LINE OF M-59 57.87 FT ALG AN ARC LEFT RADIUS 2106.86 FT DELTA 01° 34' 25" CHORD BEARS S 79° 49' 47" W 57.86 FT TH N 02° 16' 45" E 1085.26 FT TH S 51° 45' 00" E 240.13 FT ALG S'LY LINE GRAND RIVER AVE TO POB.

and that we have found or set, as noted hereon, permanent markers to all corners and angle points of the boundary of said parcel and that the more particular legal description of said parcel is as follows:

A parcel of land in the Northeast 1/4 of Section 28, T3N, R4E, Howell Township, Livingston County, Michigan, the surveyed boundary of said parcel described as: Commencing at the East 1/4 corner of said Section 28; thence S89°06'18"W along the East-West 1/4 line of said Section 28 a distance of 562.60 feet to the Southerly right-of-way line of W. Grand River Avenue; thence N52°55'40"W along said Southerly line 1796.99 feet to the point of beginning of this description; thence S13°44'34"W 731.89 feet to the Northerly right-of-way line of M-59; thence along said Northerly line the following two courses: S82°31'17"W 81.08 feet, and Southwesterly 201.51 feet along a curve to the left, said curve having a radius of 2106.86 feet, a delta angle of 5°28'48", and a chord of 201.43 feet bearing S79°46'53"W; thence N01°08'43"E 1082.96 feet to said Southerly line; thence S52°55'40"E along said Southerly line 539.99 feet to the point of beginning; said parcel containing 7.60 acres more or less; said parcel subject to all easements and restrictions if any.

WITNESSES TO SECTION CORNERS:

North 1/4 corner, Section 28, T3N, R4E, 2014CR-0091
 Found Remon. bar & cap #14762, between runway and taxiway of Livingston County Spencer J. Hardy Airport, 2840' Northwesterly of the Southeast end of runway 31, 380' Southwesterly of centerline of runway 31
 Centerline of taxiway light, S60°W, 144.40'
 Centerline of taxiway light, S22°E, 354.45'
 Centerline of taxiway light, N81°W, 278.79'
 Centerline of taxiway light, S04°W, 219.75'

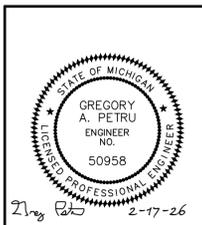
East 1/4 corner, Section 28, T3N, R4E, 2013C-0044
 Found Remon. bar & cap #14762
 Found nail & tag in East side 42" Oak, N43°W, 45.38'
 Found Northeast corner in "Tomato Brothers" concrete block building, S88°W, 90.10'
 Found nail & tag in East end guard rail, N30°E, 35.45'
 Found 1/2" bar in East edge gravel road, S85°E, 32.14'
 Center of Section 28, T3N, R4E
 Found 5/8" iron rod
 Found nail in West side of utility pole, S04°E, 20.08'
 Found nail & tag #38121 in East side of twin 18" Oak, S16°W, 35.62'
 Westerly corner of catch basin, N41°E, 183.88'
 Found PK nail in top of wood guard rail post, North, 84.20'

SURVEYOR'S NOTES:

- This plan was made at the direction of the parties named hereon and is intended solely for their immediate use. Survey prepared from fieldwork performed in October 2025.
- All bearings are Michigan State Plane South Zone grid bearings obtained from GPS observations using corrections obtained from the nearest National Geodetic Survey C.O.R.S. station.
- All dimensions shown are as-measured unless otherwise noted.
- All elevations are North American Vertical Datum of 1988 (NAVD88).
- All dimensions are in feet and decimals thereof.
- No building tie dimensions are to be used for establishing the property lines.
- Easements, if any, not shown hereon.
- By scaled map location and graphic plotting only, this property lies entirely within Flood Zone "X", areas outside the 0.2% annual chance floodplain, according to the National Flood Insurance Program, Flood Insurance Rate Map for the Township of Howell, Livingston County, Michigan, Community Panel Nos. 260844 0188 D & 260844 0301 D, dated September 17, 2008.
- Utility information as shown was obtained from available public records and from supporting field observations, where possible, and is subject to verification in the field by the appropriate authorities prior to use for construction. MISS DIG was not contacted to mark utilities on site.
- Wetlands, if any, not shown hereon.

SHEET INDEX

1. COVER SHEET
2. EXISTING CONDITIONS PLAN
3. SITE PLAN
4. STORM & GRADING PLAN
5. SOIL EROSION CONTROL PLAN
6. LANDSCAPE PLAN
7. DETAIL & SPECIFICATIONS SHEET
D1. DRAIN MAP PLAN
D2. CALCULATIONS



TAX ID# 4706-28-200-040

KEBS, INC. KYES ENGINEERING
 BRYAN LAND SURVEYS
 2116 HASLETT ROAD, HASLETT, MI 48840
 PH. 517-339-1014 FAX. 517-339-8047

Marshall Office
 Ph. 269-781-9800

DITCH WITCH EXPANSION
 COVER SHEET

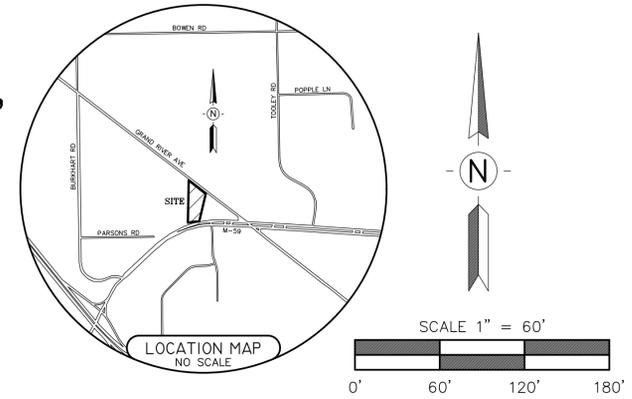
SCALE: 1" = 60'	DESIGNER: GAP	APPROVED BY: GAP
DATE: 2-16-26	PROJECT MGR: GAP	SHEET 1 OF 7
AUTHORIZED BY: DITCH WITCH SALES OF MICHIGAN		JOB #: E-104648

ATTACHMENT: LIGHTING PLAN

BOUNDARY & TOPOGRAPHIC SURVEY

"3401 W. GRAND RIVER AVENUE, HOWELL, MI 48855"

FOR: DITCH WITCH SALES OF MICHIGAN



SEWER INVENTORIES

- CATCH BASIN #100
RIM - 934.71
15" RCP SE - 932.03
15" RCP NW - 931.81
- CATCH BASIN #101
RIM - 936.37
12" RCP NE - 932.85
12" RCP SE - 932.84
15" RCP NW - 932.75
- CATCH BASIN #102
RIM - 940.49
12" RCP NE - 935.08
12" RCP SE - 935.08
12" RCP NW - 935.02
- CATCH BASIN #103
RIM - 943.11
12" RCP NE - 938.83
12" RCP SE - 938.80
12" RCP SW - 939.69
12" RCP NW - 938.76
- CATCH BASIN #104
RIM - 941.78
12" RCP S - 938.56
- CATCH BASIN #105
RIM - 942.23
12" RCP N - 938.22
8" PVC E - 938.23
12" RCP S - 938.03
- STORM MANHOLE #106
RIM - 942.96
12" RCP N - 937.71
15" RCP E - 937.70
18" RCP S - 937.68
- CATCH BASIN #107
RIM - 941.99
12" RCP NE - 937.81
15" RCP W - 937.75
- CATCH BASIN #108
RIM - 942.37
8" PVC N - 938.22
12" RCP NE - 938.18
12" RCP SW - 938.13
- CATCH BASIN #109
RIM - 942.06
12" RCP N - 938.42
12" RCP SW - 938.33
- CATCH BASIN #110
RIM - 941.42
12" RCP S - 938.60
- CATCH BASIN #111
RIM - 941.44
12" RCP S - 938.74
- CATCH BASIN #112
RIM - 943.94
12" RCP N - 938.54
15" RCP SW - 938.43
- CATCH BASIN #113 (OVERFLOW STRUCTURE)
RIM - 940.71
12" CMP NW - 937.11
- SANITARY MANHOLE #200
RIM - 937.68
8" RCP NE - 929.17
12" RCP SE - 928.80
8" RCP SW - 928.88
12" RCP NW - 928.77
- SANITARY MANHOLE #201
RIM - 938.43
12" RCP SE - 928.93
12" RCP NW - 928.89
- SANITARY MANHOLE #202
RIM - 939.27
12" RCP SE - 929.36
12" RCP NW - 929.33
- SANITARY MANHOLE #203
RIM - 940.06
12" RCP SE - 930.82
6" PVC S - 930.90
6" PVC SW - 930.88
12" RCP NW - 930.78
- SANITARY MANHOLE #204
RIM - 940.58
8" RCP N - 932.49
12" RCP SE - 932.81
12" RCP NW - 931.66
- SANITARY MANHOLE #205
RIM - 943.66
12" RCP SE - 933.90
8" PVC SW - 933.85
12" RCP NW - 933.76
- SANITARY MANHOLE #206
RIM - 942.79
4" PVC W - 939.88

BENCHMARKS

BENCHMARK #1 ELEV. = 944.56 (NAVD88)
TOP OF NNE FLANGE BOLT NEXT TO "O" IN "OPEN", FIRE HYDRANT, 80' SOUTHWESTERLY OF CENTERLINE GRAND RIVER AVENUE, 25' NORTHWESTERLY OF CENTERLINE OF EASTERLY DRIVE TO #3401 W. GRAND RIVER AVENUE.

BENCHMARK #2 ELEV. = 943.01 (NAVD88)
TOP OF SOUTHERLY FLANGE BOLT NEXT TO "O" IN "OPEN", FIRE HYDRANT, NORTHEASTERLY OF GRAND RIVER AVENUE, SOUTHERLY FROM #3480 W. GRAND RIVER AVENUE.

SURVEYOR'S NOTES:

- This plan was made at the direction of the parties named hereon and is intended solely for their immediate use. Survey prepared from fieldwork performed in October 2025.
- All bearings are Michigan State Plane South Zone grid bearings obtained from GPS observations using corrections obtained from the nearest National Geodetic Survey C.O.R.S. station.
- All dimensions shown are as-measured unless otherwise noted.
- All elevations are North American Vertical Datum of 1988 (NAVD88).
- All dimensions are in feet and decimals thereof.
- No building tie dimensions are to be used for establishing the property lines.
- Easements, if any, not shown hereon.
- By scaled map location and graphic plotting only, this property lies entirely within Flood Zone "X", areas outside the 0.2% annual chance floodplain, according to the National Flood Insurance Program, Flood Insurance Rate Map for the Township of Howell, Livingston County, Michigan, Community Panel Nos. 260844 0188 D & 260844 0301 D, dated September 17, 2008.
- Utility information as shown was obtained from available public records and from supporting field observations, where possible, and is subject to verification in the field by the appropriate authorities prior to use for construction. MISS DIG was not contacted to mark utilities on site.
- Wetlands, if any, not shown hereon.

CERTIFICATE OF SURVEY:

I hereby certify only to the parties named hereon that we have surveyed at the direction of said parties, a parcel of land previously described as:

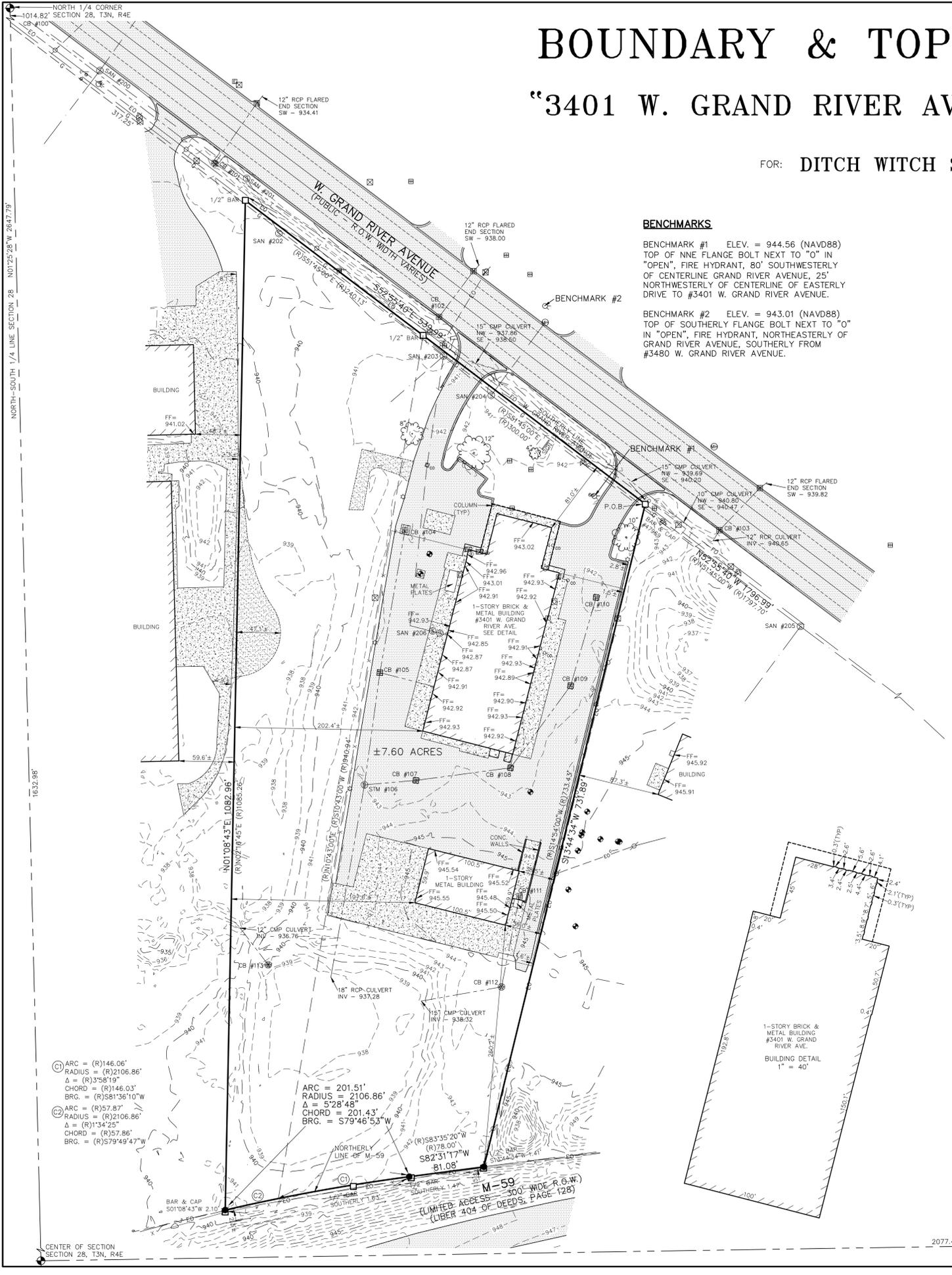
(As provided)
Tax ID: 4706-28-200-040
SEC 28 T3N R4E COMM E 1/4 COR SEC 28 TH DUE W 562.60 FT TH N 51° 45' 00" W 1797.70 FT FOR POB TH TH S 14° 54' 00" W 733.43 FT TH S 83° 35' 20" W 78.00 FT TH ALG AN ARC LEFT 146.06 FT RADIUS 2106.86 FT DELT 03° 58' 19" CHORD BEARS S 81° 36' 10" W 146.03 FT TH N 10° 43' 00" E 940.94 FT TH S 51° 45' 00" E 300.00 FT TO POB ALSO INCLUDES SEC. 28 T3N, R4E, COM. AT E 1/4 COR. THENCE DUE W. 562.60 FT TH N 51° 45' 00" W 2097.70 FT FPR POB TH S 10° 43' 00" W 940.94 FT TH ALG TH N'LY LINE OF M-59 57.87 FT ALG AN ARC LEFT RADIUS 2106.86 FT DELTA 01° 34' 25" CHORD BEARS S 79° 49' 47" W 57.86 FT TH N 02° 16' 45" E 1085.26 FT TH S 51° 45' 00" E 240.13 FT ALG S'LY LINE GRAND RIVER AVE TO POB.

and that we have found or set, as noted hereon, permanent markers to all corners and angle points of the boundary of said parcel and that the more particular legal description of said parcel is as follows:

A parcel of land in the Northeast 1/4 of Section 28, T3N, R4E, Howell Township, Livingston County, Michigan, the surveyed boundary of said parcel described as: Commencing at the East 1/4 corner of said Section 28; thence S89°06'18"W along the East-West 1/4 line of said Section 28 a distance of 562.60 feet to the Southerly right-of-way line of W. Grand River Avenue; thence N52°55'40"W along said Southerly line 1796.99 feet to the point of beginning of this description; thence S13°44'34"W 731.89 feet to the Northerly right-of-way line of M-59; thence along said Northerly line the following two courses: S82°31'17"W 81.08 feet, and Southwesterly 201.51 feet along a curve to the left, said curve having a radius of 2106.86 feet, a delta angle of 5°28'48", and a chord of 201.43 feet bearing S79°46'53"W; thence N01°08'43"E 1082.96 feet to said Southerly line; thence S52°55'40"E along said Southerly line 539.99 feet to the point of beginning; said parcel containing 7.60 acres more or less; said parcel subject to all easements and restrictions if any.

WITNESSES TO SECTION CORNERS:

- North 1/4 corner, Section 28, T3N, R4E, 2014CR-0091
Found Remon. bar & cap #14762, between runway and taxiway of Livingston County Spencer J. Hardy Airport, 2840' Northwesterly of the Southeast end of runway 31, 380' Southwesterly of centerline of runway 31
Centerline of taxiway light, S60°W, 144.40'
Centerline of taxiway light, S22°E, 354.45'
Centerline of taxiway light, N81°W, 278.79'
Centerline of taxiway light, S04°W, 219.75'
- East 1/4 corner, Section 28, T3N, R4E, 2013C-0044
Found Remon. bar & cap #14762
Found nail & tag in East side 42" Oak, N43°W, 45.38'
Found Northeast corner in "Tomato Brothers" concrete block building, S88°W, 90.10'
Found nail & tag in East end guard rail, N30°E, 35.45'
Found 1/2" bar in East edge gravel road, S85°E, 32.14'
- Center of Section 28, T3N, R4E
Found 5/8" iron rod
Found nail in West side of utility pole, S04°E, 20.08'
Found nail & tag #38121 in East side of twin 18" Oak, S16°W, 35.62'
Westerly corner of catch basin, N41°E, 183.88'
Found PK nail in top of wood guard rail post, North, 84.20'



LEGEND

- (M) = MEASURED DIMENSION
- (R) = RECORDED DIMENSION
- = SET 1/2" BAR WITH CAP UNLESS NOTED
- = FOUND IRON AS NOTED
- = DEED LINE
- = DISTANCE NOT TO SCALE
- = FENCE
- = ASPHALT
- = CONCRETE
- = GRAVEL
- = EXISTING SPOT ELEVATION
- = EXISTING CONTOUR ELEVATION
- = BUILDING OVERHANG
- = SANITARY SEWER
- = STORM SEWER
- = WATER LINE
- = GAS LINE
- = OVERHEAD WIRES
- = UNDERGROUND FIBER OPTIC
- ⊙ = DECIDUOUS TREE
- ⊙ = SANITARY MANHOLE
- ⊙ = DRAINAGE MANHOLE
- ⊙ = CATCH BASIN
- ⊙ = UNKNOWN MANHOLE
- ⊙ = GAS METER
- ⊙ = GAS VALVE
- ⊙ = CLEANOUT
- ⊙ = DOWN SPOUT
- ⊙ = FIRE HYDRANT
- ⊙ = VALVE
- ⊙ = WATER METER
- ⊙ = MONITORING WELL
- ⊙ = SIGN
- ⊙ = POST
- ⊙ = AIR CONDITIONING UNIT
- ⊙ = UTILITY POLE
- ⊙ = LIGHT POLE
- ⊙ = GUY WIRE
- ⊙ = UTILITY PEDESTAL
- ⊙ = TRANSFORMER
- ⊙ = HANDHOLE
- ⊙ = ELECTRIC METER

ERICK R. FRIESTROM
PROFESSIONAL SURVEYOR

DATE
NO. 53497

REVISIONS	COMMENTS	DATE
10/15/2025	ORIGINAL	
11/13/2025	SITE PLAN SUBMITTAL	
1/6/2026	SITE PLAN SUBMITTAL	
2/16/2026	SITE PLAN SUBMITTAL	

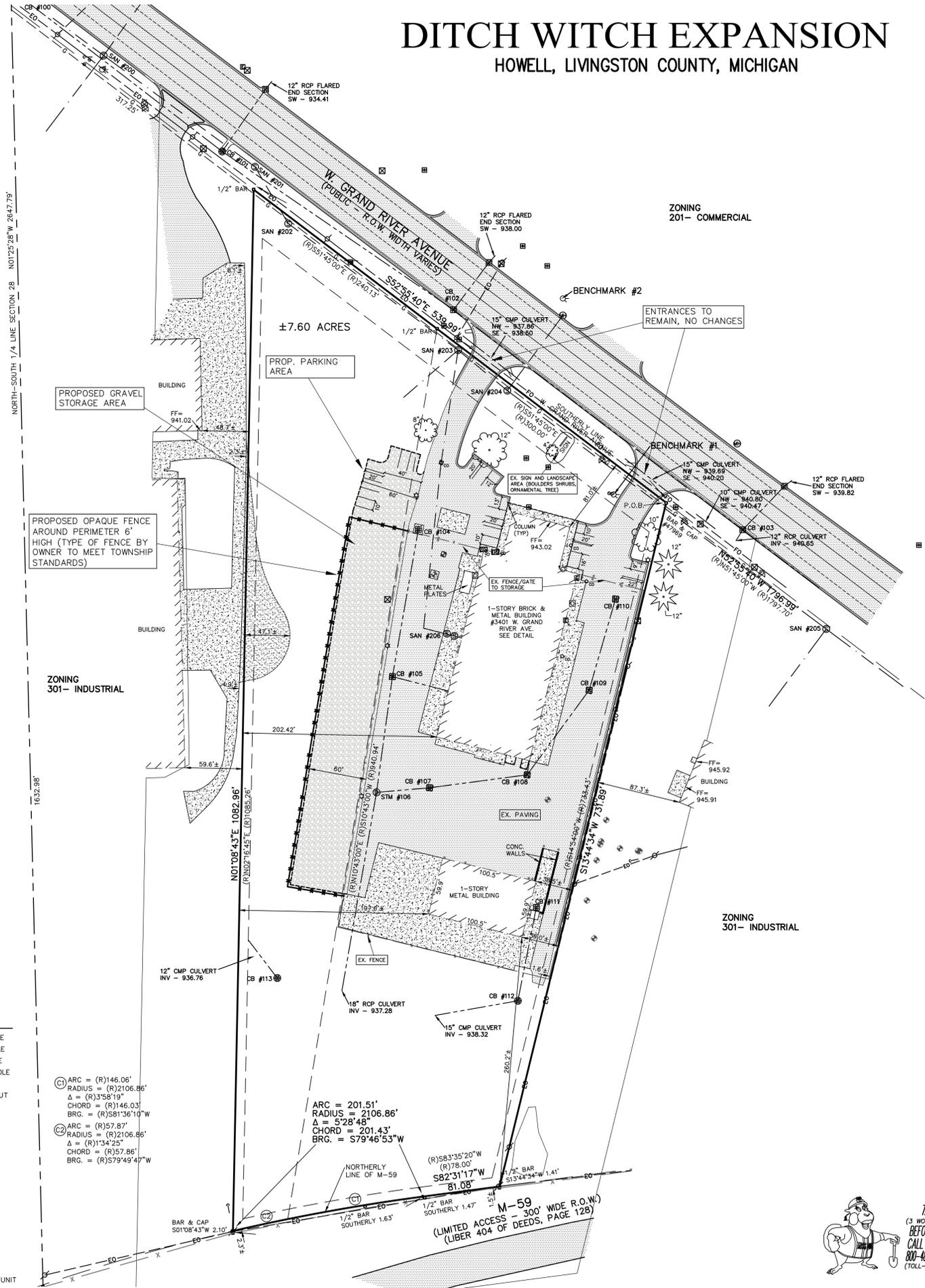
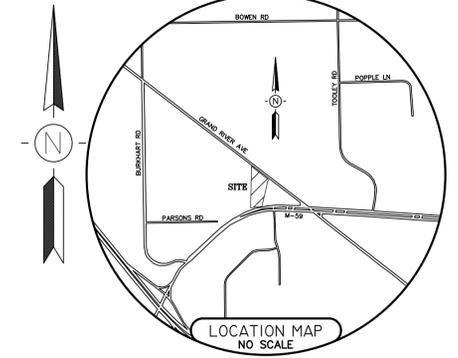
KEBS, INC. ENGINEERING AND LAND SURVEYING
2116 HASLETT ROAD, HASLETT, MI 48840
PH. 517-339-1014 FAX 517-339-8047
WWW.KEBS.COM

Marshall Office - Ph. 269-781-9800

DRAWN BY: SSF SECTION: 28, T3N, R4E
FIELD WORK BY: NW/HS JOB NUMBER:
SHEET 2 OF 7 104648.BND

DITCH WITCH EXPANSION

HOWELL, LIVINGSTON COUNTY, MICHIGAN



SITE DATA

ZONED: IFZ (INDUSTRIAL FLEX ZONE)
MINIMUM OF 200 FT AT BUILDING SETBACK LINE

BUILDING SETBACKS

FRONT - 35 FEET
SIDES - 10 FEET EACH SIDE MINIMUM TOTAL 25 FT
REAR - 10 FEET

BUILDING/UNIT DATA

MAXIMUM BUILDING HEIGHT = 70 FT
MINIMUM AREA OF LOT = 40,000 SF
MINIMUM WIDTH WITHIN SETBACK = 120 FT
MAXIMUM LOT COVERAGE = 75%
LOT COVERAGE = 158,800/331,077 = 0.480%
MAXIMUM FENCE HEIGHT AROUND OUTSIDE STORAGE = 12 FT
PARKING PROVIDED = 24 SPACES

UTILITIES

WATER: CITY PUBLIC WATER MAIN
SANITARY: CITY PUBLIC SANITARY
STORM: ON-SITE DETENTION BASIN

- SURVEYOR'S NOTES:**
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BENCHMARKS

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TOP OF NNE FLANGE BOLT NEXT TO "O" IN "OPEN", FIRE HYDRANT, 80' SOUTHWESTERLY OF CENTERLINE GRAND RIVER AVENUE, 25' NORTHWESTERLY OF CENTERLINE OF EASTERLY DRIVE TO #3401 W. GRAND RIVER AVENUE.

BENCHMARK #2 ELEV. = 943.01 (NAVD88)
TOP OF SOUTHERLY FLANGE BOLT NEXT TO "O" IN "OPEN", FIRE HYDRANT, NORTHEASTERLY OF GRAND RIVER AVENUE, SOUTHERLY FROM #3480 W. GRAND RIVER AVENUE.

LEGEND

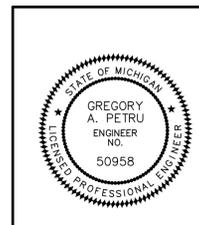
	PROPOSED WATER MAIN
	PROPOSED SANITARY SEWER
	PROPOSED STORM SEWER
	PROPOSED HYDRANT
	PROPOSED GATE VALVE
	PROPOSED SAN. M.H.
	PROPOSED STORM M.H.
	PROPOSED C.B.
	PROPOSED GRADES
	PROPOSED FIRST FLOOR ELEV.
	PROPOSED TOP OF CURB ELEV.
	PROPOSED TOP OF GROUND ELEV.
	PROPOSED TOP OF PAVT ELEV.
	PROPOSED TOP OF WALK ELEV.
	DENOTES S.E.S.C. KEYING SYSTEM

EX. LEGEND

	SET 1/2" BAR WITH CAP		SANITARY MANHOLE
	FOUND IRON AS NOTED		DRAINAGE MANHOLE
	DEED LINE		ELECTRIC MANHOLE
	DISTANCE NOT TO SCALE		TELEPHONE MANHOLE
	ASPHALT		CATCHBASIN
	CONCRETE		SANITARY CLEANOUT
	GRAVEL		FIRE HYDRANT
	EXISTING SPOT ELEVATION		VALVE
	EXISTING CONTOUR ELEVATION		UTILITY POLE
	SANITARY SEWER		LIGHT POLE
	STORM SEWER		GUY POLE
	WATER LINE		GUY WIRE
	GAS LINE		UTILITY PEDESTAL
	UNDERGROUND TELEPHONE		TRANSFORMER
	UNDERGROUND TELEVISION		HANDHOLE
	UNDERGROUND ELECTRIC		ELECTRIC METER
	OVERHEAD WIRES		GAS METER
	EDGE OF WOODS		WATER METER
	SIGN		AIR CONDITIONING UNIT
	POST		

APPLICANT/LAND OWNER: MICHIGAN UNDERGROUND SPECIALISTS LL 3401 W GRAND RIVER AVE HOWELL, MI, 48855-7603 PH: (517) 546-9848	ENGINEER/SURVEYOR: KEBS, Inc. 2116 HASLETT RD. HASLETT, MI, 48840 PH: (517) 339-1014
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TAX ID# 4706-28-200-040

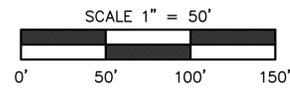
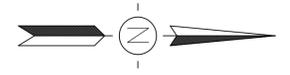


REVISIONS	KEBS, INC. KYES ENGINEERING BRYAN LAND SURVEYS
11-13-25 SITE PLAN SUBMITTAL	2116 HASLETT ROAD, HASLETT, MI 48840 PH. 517-339-1014 FAX. 517-339-8047
1-8-26 SITE PLAN SUBMITTAL	Marshall Office Ph. 269-781-9800
2-16-26 SITE PLAN SUBMITTAL	
DITCH WITCH EXPANSION SITE PLAN	
SCALE: 1" = 60'	DESIGNER: G.A.P.
DATE: 2-16-26	PROJECT MGR. G.A.P.
AUTHORIZED BY: DITCH WITCH SALES OF MICHIGAN	APPROVED BY: G.A.P.
	SHEET 3 OF 7
	JOB #:
	E-104648



DITCH WITCH EXPANSION

HOWELL, LIVINGSTON COUNTY, MICHIGAN



SEWER INVENTORIES

- | | | | | | | | | | | | | | | | | | | | | | |
|--|---|---|--|--|---|--|----------------|---|---|---|--|--|---|---|---|---|---|--|--|---|--|
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RIM - 934.71
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RIM - 940.49
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RIM - 942.96
12" RCP N - 937.71
15" RCP E - 937.70
18" RCP S - 937.68 | 15" W - 937.69 | CATCH BASIN #107
RIM - 941.99
12" RCP NE - 937.81
15" RCP W - 937.75 | CATCH BASIN #108
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RIM - 943.94
12" RCP N - 938.54
15" RCP SW - 938.43 | CATCH BASIN #113
(OVERFLOW STRUCTURE)
RIM - 940.71
12" CMP NW - 937.11 | SANITARY MANHOLE #200
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8" RCP SW - 928.88
12" RCP NW - 928.77 | SANITARY MANHOLE #201
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12" RCP SE - 933.90
8" PVC SW - 933.85
12" RCP NW - 933.76 | SANITARY MANHOLE #206
RIM - 942.79
4" PVC W - 939.88 |
|--|---|---|--|--|---|--|----------------|---|---|---|--|--|---|---|---|---|---|--|--|---|--|

BENCHMARKS

BENCHMARK #1 ELEV. = 944.56 (NAVD88)
TOP OF NNE FLANGE BOLT NEXT TO "O" IN "OPEN", FIRE HYDRANT, 80' SOUTHWESTERLY OF CENTERLINE GRAND RIVER AVENUE, 25' NORTHWESTERLY OF CENTERLINE OF EASTERLY DRIVE TO #3401 W. GRAND RIVER AVENUE.

BENCHMARK #2 ELEV. = 943.01 (NAVD88)
TOP OF SOUTHERLY FLANGE BOLT NEXT TO "O" IN "OPEN", FIRE HYDRANT, NORTHEASTERLY OF GRAND RIVER AVENUE, SOUTHERLY FROM #3480 W. GRAND RIVER AVENUE.

LEGEND

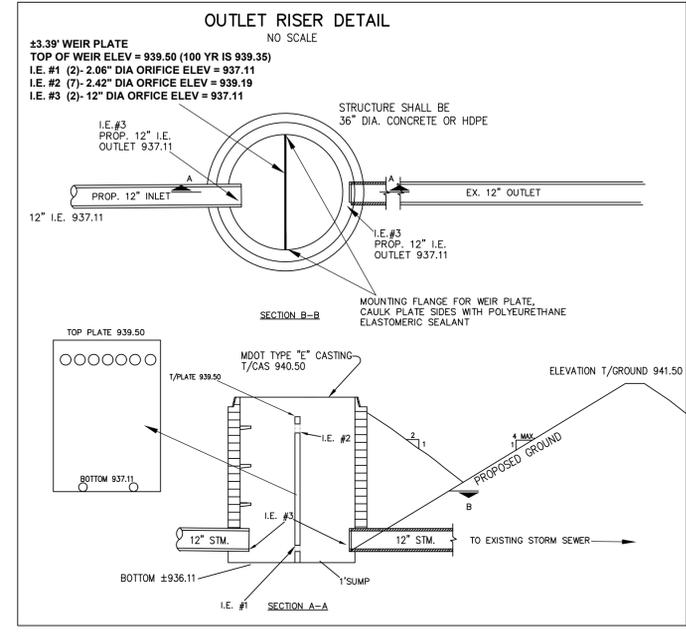
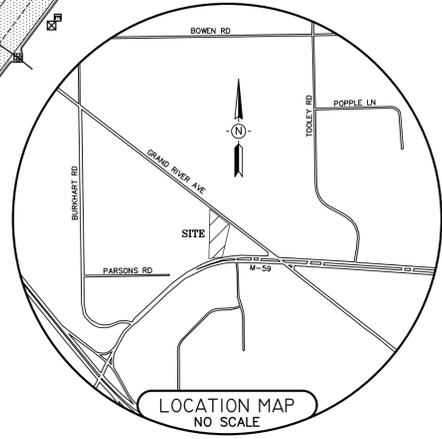
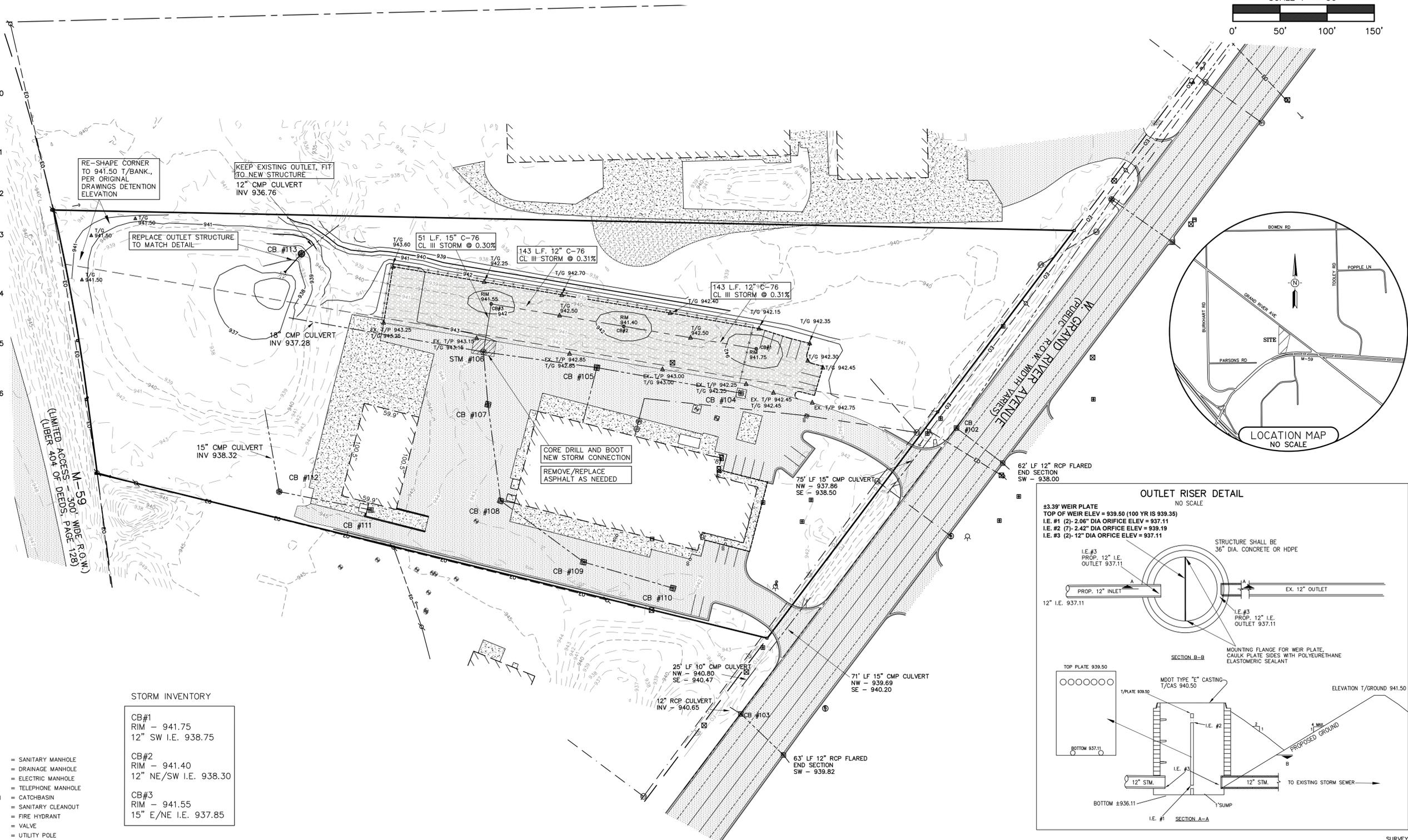
— — — — —	PROPOSED WATER MAIN
— — — — —	PROPOSED SANITARY SEWER
— — — — —	PROPOSED STORM SEWER
○	PROPOSED HYDRANT
○	PROPOSED GATE VALVE
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○	DENOTES S.E.S.C. KEYING SYSTEM

EX. LEGEND

●	SET 1/2" BAR WITH CAP	⊙	SANITARY MANHOLE
□	FOUND IRON AS NOTED	⊙	DRAINAGE MANHOLE
—	DEED LINE	⊙	ELECTRIC MANHOLE
—	DISTANCE NOT TO SCALE	⊙	TELEPHONE MANHOLE
■	ASPHALT	■	CATCHBASIN
■	CONCRETE	○	SANITARY CLEANOUT
■	GRAVEL	○	FIRE HYDRANT
○	EXISTING SPOT ELEVATION	○	VALVE
○	EXISTING CONTOUR ELEVATION	○	UTILITY POLE
—	SANITARY SEWER	○	LIGHT POLE
—	STORM SEWER	○	GUY POLE
—	WATER LINE	○	GUY WIRE
—	GAS LINE	○	UTILITY PEDESTAL
—	UNDERGROUND TELEPHONE	○	TRANSFORMER
—	UNDERGROUND TELEVISION	○	HANDHOLE
—	UNDERGROUND ELECTRIC	○	ELECTRIC METER
—	OVERHEAD WIRES	○	GAS METER
—	EDGE OF WOODS	○	WATER METER
+	SIGN	+	
○	POST	+	
⊙	AIR CONDITIONING UNIT		

STORM INVENTORY

CB#1 RIM - 941.75 12" SW I.E. 938.75
CB#2 RIM - 941.40 12" NE/SW I.E. 938.30
CB#3 RIM - 941.55 15" E/NE I.E. 937.85



	REVISIONS 11-13-25 PRELIMINARY SITE PLAN 1-6-26 SITE PLAN SUBMITTAL 2-16-26 SITE PLAN SUBMITTAL	KEBS, INC. KYES ENGINEERING BRYAN LAND SURVEYS 2116 HASLETT ROAD, HASLETT, MI 48840 PH. 517-339-1014 FAX. 517-339-8047 Marshall Office Ph. 269-781-9800
	DITCH WITCH EXPANSION STORM & GRADING PLAN	
SCALE: 1" = 50' DATE: 2-16-26 AUTHORIZED BY: DITCH WITCH SALES OF MICHIGAN	DESIGNER: PROJECT MGR. GAP	APPROVED BY: SHEET 4 OF 7 JOB #: E-104648



SOIL EROSION CONTROL NOTES:

- ALL SOIL EROSION CONTROL MEASURES SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE LIVINGSTON COUNTY DRAIN COMMISSION REQUIREMENTS AND PROJECT SPECIFICATIONS.
- THE PERMITTEE IS OWNER, APPLICANT, CONTRACTOR AND RESPONSIBLE PERSON LISTED ON THE APPLICATION AND PERMIT. THE RESPONSIBLE PERSON (AS THE LEGAL REPRESENTATIVE OF EITHER THE APPLICANT OR THE OWNER AS INDICATED ON THE APPLICATION IS RESPONSIBLE FOR ALL SITE ACTIVITY AND THE INSTALLATION AND MAINTENANCE OF ALL SESC MEASURES.
- ANY EROSION OR SEDIMENT FROM WORK ON THIS SITE SHALL BE CONTAINED ON THE SITE AND NOT BE ALLOWED TO COLLECT ON ANY OFF-SITE AREAS OR IN WATERWAYS. WATERWAYS INCLUDE BOTH NATURAL AND MANMADE OPEN DITCHES, STREAMS, STORM DRAINS, LAKES AND PONDS.
- PERMITTEE SHALL APPLY TEMPORARY EROSION AND SEDIMENTATION CONTROL MEASURES AS REQUIRED AND DIRECTED ON THESE PLANS. ALL TEMPORARY SEDIMENT CONTROL MEASURES SHALL BE INSTALLED PRIOR TO OR AT COMMENCEMENT OF CONSTRUCTION ACTIVITY. REMOVE TEMPORARY MEASURES AS SOON AS PERMANENT STABILIZATION OF SLOPES, DITCHES AND OTHER EARTH CHANGES HAVE BEEN ESTABLISHED.
- A MINIMUM 50' BY 20' WIDE, 6" DEEP CLEAN STONE TRACKING MAT SHALL BE PROVIDED AT ALL CONSTRUCTION ENTRANCES. SHOULD THE STONE BECOME LESS EFFICIENT IT SHALL BE REPLACED. ALL CONSTRUCTION TRAFFIC WILL USE THE CLEAN STONE EXITS.
- DUST CONTROL WILL BE EXERCISED AT ALL TIMES WITHIN THE PROJECT BY THE CONTRACTORS. SPRINKLING TANK TRUCKS SHALL BE AVAILABLE AT ALL TIMES TO BE USED ON HAUL ROUTES OR OTHER PLACES WHERE DUST BECOMES A PROBLEM.
- SEDIMENT @ C.B.'S SHALL BE REMOVED AFTER EVERY STORM. SEEDING OF EXPOSED AREAS SHALL BE COMPLETED WITHIN 5 DAYS OF FINAL GRADING.
- ALL DISTURBED AREAS WILL RECEIVE PERMANENT EROSION CONTROL WITHIN 5 DAYS OF FINAL GRADING. AREAS NOT STABILIZED SHALL BE DIVERTED TOWARD RETENTION/SEDIMENT BASINS.
- ANY CONSTRUCTION ACCESS ROAD WILL BE PROTECTED WITH CRUSHED STONE OR CRUSHED CONCRETE, AGGREGATE SIZE 1/2" - 3/4".
- WEATHER AND UNFORESEEN DELAYS MAY RESULT IN EXTENSION OF CONSTRUCTION SCHEDULE.
- SITE DEVELOPMENT PERMITTEES SHALL INSPECT SOIL EROSION CONTROL MEASURES ON A DAILY BASIS, MORE OFTEN IF NECESSARY. ANY NEEDED REPAIRS SHALL BE PROMPTLY MADE.
- SITE DEVELOPMENT PERMITTEES SHALL MEET WITH SOIL EROSION ENFORCEMENT OFFICER PRIOR TO START OF WORK.
- ALL DISTURBANCE SHALL BE KEPT AT LEAST 25' FROM WATER FEATURES LEAVING AN UNDISTURBED VEGETATION BUFFER, UNLESS ADDITIONAL SESC MEASURES ARE PROPOSED AND APPROVED BY L.C.D.C.
- EACH DISTURBANCE ADJACENT TO WETLANDS, INLAND STREAMS & LAKES, OR ADJACENT TO SLOPES GREATER THAN 8% SHALL BE TOPSOILED, SEEDED, AND EROSION CONTROL MATTING APPROPRIATE FOR THE SLOPE. CONDITIONS INSTALLED, WITHIN 3 DAYS OF FINAL GRADING OR FINAL ACTIVITY OF THOSE AREAS.
- STOCK PILE AREAS SHALL BE LOCATED GREATER THAN 25' FROM WETLANDS & INLAND STREAMS & LAKES, AND AT LEAST 25' FROM PROPERTY LINES. ANY STOCKPILE AREA SHALL BE IMMEDIATELY STABILIZED.

SEQUENCE OF CONSTRUCTION

- INSTALL ALL TEMPORARY SILT FENCE (36" HEIGHT IS REQUIRED) PER PLAN AND AS SHOWN ON DETAIL.
- CONSTRUCT THE TEMPORARY GRAVEL CONSTRUCTION ENTRANCE/EXIT PER DETAIL THIS SHEET OFF OF CHALLIS (EXISTING ENTRANCE LOCATION).
- INSTALL INLET PROTECTION FABRIC DROPS BETWEEN THE FRAME AND COVER OF ALL EXISTING YARD BASINS OR INLETS WHICH MAY BE SUSCEPTIBLE TO SEDIMENT EROSION FROM THE PROPOSED CONSTRUCTION AS SHOWN IN THESE PLANS.
- WHILE MAINTAINING A VEGETATIVE BUFFER WHENEVER POSSIBLE STRIP AND STOCKPILE TOPSOIL ABOVE AREAS OF PROPOSED EXCAVATION OR GRADING. AFTER USE ON SITE PLACE STOCKPILED TOPSOIL IN AREAS WHICH ARE NEITHER SUBJECT TO HIGH RUNOFF NOR ALONG STEEP SLOPES. SEED AND MULCH STOCKPILES IMMEDIATELY TO PREVENT WIND BLOWN SEDIMENT POLLUTION AND EXCESSIVE DUST.
- EXCAVATE FOR PROPOSED PARKING LOT CONSTRUCTION AS NECESSARY. DO NOT EXPOSE AREAS FAR IN ADVANCE OF THE PROPOSED CONSTRUCTION FOR THAT AREA. ROUGHEN AND SCARIFY EXPOSED SURFACES TO REDUCE RUNOFF VELOCITY AND SEDIMENTATION. MAINTAIN VEGETATION WHENEVER POSSIBLE TO PROVIDE A NATURAL BUFFER.
- AFTER COMPLETION OF THE PROPOSED UTILITIES, INSTALL INLET PROTECTION FABRIC DROPS IN ALL INLETS. PLACE INLET PROTECTION FENCE AROUND ALL INLETS.
- INSTALL TEMPORARY STONE FILTER BERMS PERPENDICULAR TO EXPOSED STEEP SLOPES AS NECESSARY ALONG THE PROPOSED STREETS TO REDUCE RUNOFF VELOCITY AND SEDIMENTATION.
- TOPSOIL, SEED, FERTILIZE AND MULCH ALL EXPOSED AREAS AS SOON AS FEASIBLE TO PROTECT AND RESTORE PERMANENT VEGETATION.
- WATER EXPOSED GROUND REGULARLY TO CONTROL AIRBORNE PARTICULATE MATTER.
- THE SOIL EROSION PERMITTEE IS RESPONSIBLE FOR ENSURING THAT ALL PERMANENT AND TEMPORARY SOIL EROSION AND SEDIMENTATION CONTROL MEASURES THROUGHOUT THE ENTIRE CONSTRUCTION PROCESS ARE INSTALLED CORRECTLY AND MAINTAINED UNTIL PERMANENT VEGETATION IS REESTABLISHED IN ALL EXPOSED AREAS.
- THE SITE WILL BE PERIODICALLY INSPECTED BY THE LIVINGSTON COUNTY DRAIN OFFICE. THE PERMITTEES SHALL BECOME FAMILIAR WITH THE RULES AND REGULATIONS OF THAT OFFICE.
- UPON FINAL APPROVED INSPECTION OF THE COMPLETED CONSTRUCTION BY ALL REVIEWING AGENCIES, THE CONTRACTOR SHALL REMOVE ALL TEMPORARY SOIL EROSION AND SEDIMENTATION CONTROL MEASURES.

TOTAL ACRES = 7.600 ACRES

AREA DISTURBED = 1.977 ACRES

DENOTES EXISTING DRAINAGE FLOW

DENOTES PROPOSED DRAINAGE FLOW

SILT FENCE (TYP.)
(ALL SILT FENCE MUST BE 36" HEIGHT)

LIMITS OF EARTH DISTURBANCE (TYP.)

LEGEND

- PROPOSED WATER MAIN
- PROPOSED SANITARY SEWER
- PROPOSED STORM SEWER
- PROPOSED HYDRANT
- PROPOSED GATE VALVE
- PROPOSED SAN. M.H.
- PROPOSED STORM M.H.
- PROPOSED C.B.
- PROPOSED GRADES
- PROPOSED FIRST FLOOR ELEV.
- PROPOSED TOP OF CURB ELEV.
- PROPOSED TOP OF GROUND ELEV.
- PROPOSED TOP OF PLANT ELEV.
- PROPOSED TOP OF WALK ELEV.
- DENOTES S.E.S.C. KEYING SYSTEM

EX. LEGEND

- SET 1/2" BAR WITH CAP
- FOUND IRON AS NOTED
- DEED LINE
- DISTANCE NOT TO SCALE
- ASPHALT
- CONCRETE
- GRAVEL
- EXISTING SPOT ELEVATION
- EXISTING CONTOUR ELEVATION
- SANITARY SEWER
- STORM SEWER
- WATER LINE
- GAS LINE
- UNDERGROUND TELEPHONE
- UNDERGROUND TELEVISION
- UNDERGROUND ELECTRIC
- OVERHEAD WIRES
- EDGE OF WOODS
- SANITARY MANHOLE
- DRAINAGE MANHOLE
- ELECTRIC MANHOLE
- TELEPHONE MANHOLE
- CATCHBASIN
- SANITARY CLEANOUT
- FIRE HYDRANT
- VALVE
- UTILITY POLE
- LIGHT POLE
- GUY POLE
- GUY WIRE
- UTILITY PEDESTAL
- TRANSFORMER
- HANDHOLE
- ELECTRIC METER
- GAS METER
- WATER METER
- SIGN
- POST
- AIR CONDITIONING UNIT

SOIL TYPE:
By - Brookston loam, 0-2% slopes
CvraaB - Conover loam, 0-4% slopes



MICHIGAN DEPARTMENT OF MANAGEMENT AND BUDGET

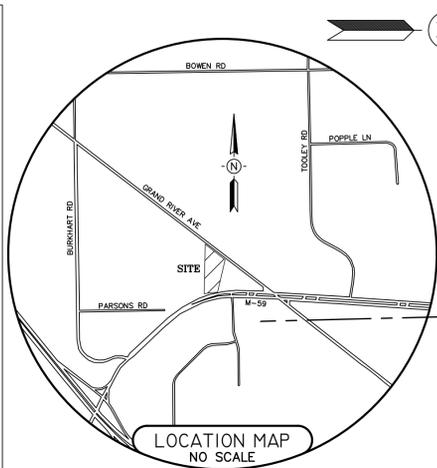
S-E-S-C KEYING SYSTEM

KEY	BEST MANAGEMENT PRACTICES	SYMBOL	WHERE USED
E8	PERMANENT SEEDING		Stabilization method utilized on sites where earth change has been completed (final grading attained).
E12	RIPRAP		Use along shorelines, waterways, or where concentrated flows occur. Slows velocity, reduces sediment load, and reduces erosion.
S51	SILT FENCE		Use adjacent to critical areas, to prevent sediment laden sheet flow from entering these areas.
S53	STABILIZED CONSTRUCTION ACCESS		Used at every point where construction traffic enters or leaves a construction site.
S58	INLET PROTECTION FABRIC DROP		Use at stormwater inlets, especially at construction sites.

DITCH WITCH EXPANSION

HOWELL, LIVINGSTON COUNTY, MICHIGAN

PROXIMITY TO NEAREST LAKE/STREAM:
SITE IS OVER 500 FEET FROM ANY LAKE, STREAM OR DRAIN.



SESC NOTES ON SEEDING:

TOP SOIL: 3" DEPTH MINIMUM

GRASS SEED: 210 LBS/ACRE MIN.

FERTILIZER: 150 LBS/ACRE MIN.

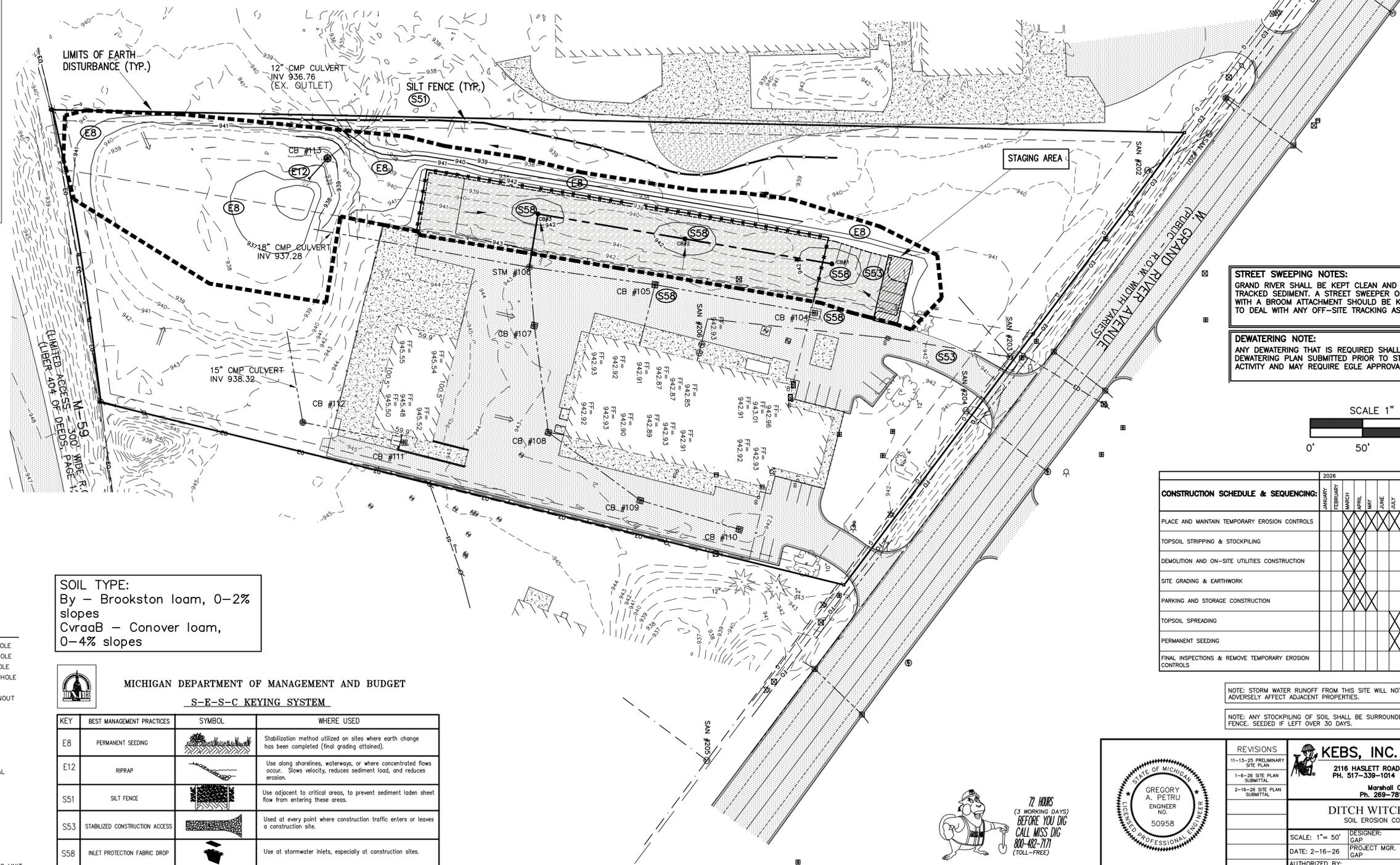
STRAW MULCH: 3" IN DEPTH OR 1.5-2 TONS PER ACRE. ALL MULCHING MUST HAVE A TIE DOWN, USE A TACKIFIER OR NET BINDING. (MULCH BLANKETS AS CALLED OUT)

HYDRO-SEEDING - HYDRO SEEDING IS NOT ACCEPTABLE FOR SLOPES EXCEEDING 1%. ON SLOPES OVER 1%, STABILIZATION SHALL BE DONE WITH SEED AND STRAW MULCH WITH A TACKIFIER, OR STRAW BLANKETS PEGGED IN PLACE

BENCHMARKS

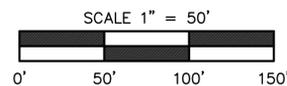
BENCHMARK #1 ELEV. = 944.56 (NAVD88)
TOP OF NNE FLANGE BOLT NEXT TO "O" IN "OPEN", FIRE HYDRANT, 80' SOUTHWESTERLY OF CENTERLINE GRAND RIVER AVENUE, 25' NORTHWESTERLY OF CENTERLINE OF EASTERLY DRIVE TO #3401 W. GRAND RIVER AVENUE.

BENCHMARK #2 ELEV. = 943.01 (NAVD88)
TOP OF SOUTHERLY FLANGE BOLT NEXT TO "O" IN "OPEN", FIRE HYDRANT, NORTHEASTERLY OF GRAND RIVER AVENUE, SOUTHERLY FROM #3480 W. GRAND RIVER AVENUE.



STREET SWEEPING NOTES:
GRAND RIVER SHALL BE KEPT CLEAN AND FREE OF TRACKED SEDIMENT. A STREET SWEEPER OR A BOGCAT WITH A BROOM ATTACHMENT SHOULD BE KEPT ON SITE TO DEAL WITH ANY OFF-SITE TRACKING AS IT OCCURS.

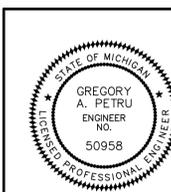
DEWATERING NOTE:
ANY DEWATERING THAT IS REQUIRED SHALL HAVE A DEWATERING PLAN SUBMITTED PRIOR TO STARTING THE ACTIVITY AND MAY REQUIRE EGLE APPROVAL.



CONSTRUCTION SCHEDULE & SEQUENCING:	2026											
	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER
PLACE AND MAINTAIN TEMPORARY EROSION CONTROLS												
TOPSOIL STRIPPING & STOCKPILING												
DEMOLITION AND ON-SITE UTILITIES CONSTRUCTION												
SITE GRADING & EARTHWORK												
PARKING AND STORAGE CONSTRUCTION												
TOPSOIL SPREADING												
PERMANENT SEEDING												
FINAL INSPECTIONS & REMOVE TEMPORARY EROSION CONTROLS												

NOTE: STORM WATER RUNOFF FROM THIS SITE WILL NOT ADVERSELY AFFECT ADJACENT PROPERTIES.

NOTE: ANY STOCKPIILING OF SOIL SHALL BE SURROUNDED BY SILT FENCE. SEEDING IF LEFT OVER 30 DAYS.



REVISIONS

11-13-25 PRELIMINARY SITE PLAN	
1-6-26 SITE PLAN SUBMITTAL	
2-16-26 SITE PLAN SUBMITTAL	

KEBS, INC. KYES ENGINEERING
BRYAN LAND SURVEYS
2116 HASLETT ROAD, HASLETT, MI 48840
PH. 517-339-1014 FAX. 517-339-8047
Marshall Office
Ph. 269-781-9800

DITCH WITCH EXPANSION
SOIL EROSION CONTROL PLAN

SCALE: 1" = 50'
DATE: 2-16-26
AUTHORIZED BY: DITCH WITCH SALES OF MICHIGAN

DESIGNER: GREGORY A. PETRU
PROJECT MGR. GREGORY A. PETRU
JOB #: E-104648

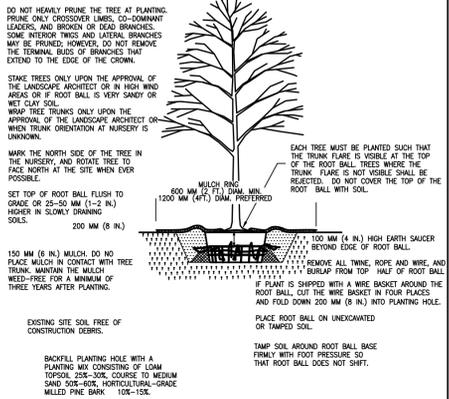
APPROVED BY: GREGORY A. PETRU
SHEET 5 OF 7
JOB #: E-104648



DITCH WITCH EXPANSION

HOWELL, LIVINGSTON COUNTY, MICHIGAN

INTERNATIONAL SOCIETY OF ARBORICULTURE
1400 WEST ANTHONY DRIVE
CHAMPAIGN, IL 61821
(217) 355-9411
(217) 355-9516 FAX

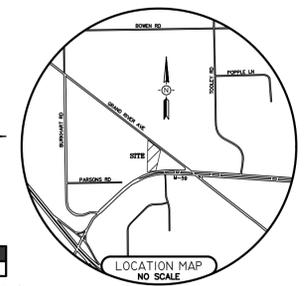
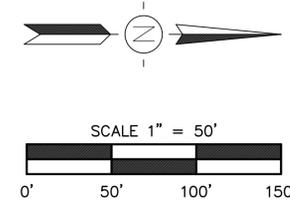


TREE PLANTING DETAIL - B&B TREES IN ALL SOIL TYPES

NOTE: THIS DETAIL ASSUMES THAT THE PLANTING SPACE IS LARGER THAN 2400 MM (8 FT) SQUARE, OPEN TO THE SKY, AND NOT COVERED BY ANY PAVING OR GRATING.

PLANT LIST

QUANT.	CANOPY	COMMON NAME	BOTANICAL NAME	SIZE	ROOT
1	AF	AUTUMN BLAZE MAPLE	ACER X FREEMANI "AUTUMN BLAZE"	2.5" CAL.	B & B
1	AR	RED SUNSET MAPLE	ACER RUBRUM "RED SUNSET"	2.5" CAL.	B & B
1	TG	GREENSPIRE LITTLELEAF LINDEN	TILIA TOMENTOSA 'GREENSPIRE'	2.5" CAL.	B & B



BENCHMARKS

BENCHMARK #1 ELEV. = 944.56 (NAVD88)
TOP OF NINE FLANGE BOLT NEXT TO "O" IN "OPEN", FIRE HYDRANT, 80' SOUTHWESTERLY OF CENTERLINE GRAND RIVER AVENUE, 25' NORTHWESTERLY OF CENTERLINE OF EASTERLY DRIVE TO #3401 W. GRAND RIVER AVENUE.

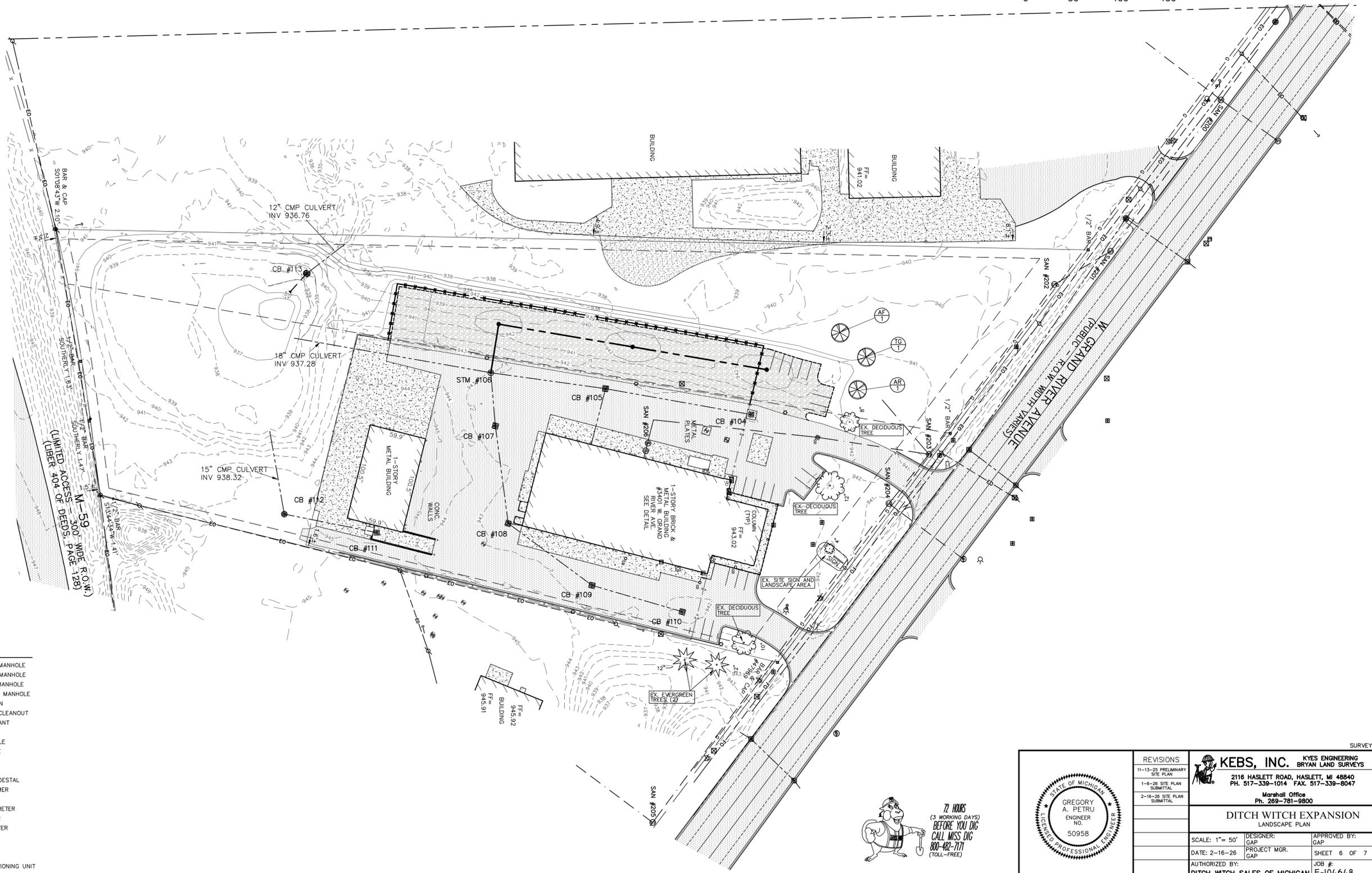
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LEGEND

	PROPOSED WATER MAIN
	PROPOSED SANITARY SEWER
	PROPOSED STORM SEWER
	PROPOSED HYDRANT
	PROPOSED GATE VALVE
	PROPOSED SAN. M.H.
	PROPOSED STORM M.H.
	PROPOSED C.B.
	PROPOSED GRADES
	PROPOSED FIRST FLOOR ELEV.
	PROPOSED TOP OF CURB ELEV.
	PROPOSED TOP OF GROUND ELEV.
	PROPOSED TOP OF PAVT ELEV.
	PROPOSED TOP OF WALK ELEV.
	DENOTES S.E.S.C. KEYING SYSTEM

EX. LEGEND

	SET 1/2" BAR WITH CAP		SANITARY MANHOLE
	FOUND IRON AS NOTED		DRAINAGE MANHOLE
	DEED LINE		ELECTRIC MANHOLE
	DISTANCE NOT TO SCALE		TELEPHONE MANHOLE
	ASPHALT		CATCHBASIN
	CONCRETE		SANITARY CLEANOUT
	GRAVEL		FIRE HYDRANT
	EXISTING SPOT ELEVATION		VALVE
	EXISTING CONTOUR ELEVATION		UTILITY POLE
	SANITARY SEWER		LIGHT POLE
	STORM SEWER		GUY POLE
	WATER LINE		GUY WIRE
	GAS LINE		UTILITY PEDESTAL
	UNDERGROUND TELEPHONE		TRANSFORMER
	UNDERGROUND TELEVISION		HANDHOLE
	UNDERGROUND ELECTRIC		ELECTRIC METER
	OVERHEAD WIRES		GAS METER
	EDGE OF WOODS		WATER METER
	SIGN		AIR CONDITIONING UNIT
	POST		



	REVISIONS 11-13-25 PRELIMINARY SITE PLAN 1-8-26 SITE PLAN SUBMITTAL 2-16-26 SITE PLAN SUBMITTAL	KEBS, INC. KYES ENGINEERING BRYAN LAND SURVEYS 2116 HASLETT ROAD, HASLETT, MI 48840 PH. 517-339-1014 FAX. 517-339-8047 Marshall Office Ph. 269-781-9800
	DITCH WITCH EXPANSION LANDSCAPE PLAN	
SCALE: 1" = 50' DATE: 2-16-26 AUTHORIZED BY: DITCH WITCH SALES OF MICHIGAN	DESIGNER: PROJECT MGR. GAP	APPROVED BY: GAP SHEET 6 OF 7 JOB #: E-104648

E8 PERMANENT SEEDING SPECIFICATIONS

When

- To finalize stabilization of temporary seeding areas or when an area needs permanent stabilization following completion of construction. Also used when vegetative establishment can correct existing soil erosion or sedimentation problem.
- Within 5 days of final grade.

Why

- To stabilize soil and prevent or reduce soil erosion/sedimentation problems from developing.

Where

- Used on construction and earth change sites which require permanent vegetative stabilization.

How

- Review SESC plan and construction phasing to identify areas in need of permanent vegetative stabilization.
- Select perennial grass and ground cover for permanent cover.
- Seed mixes vary. However, they should contain native species.
- Seed mixes should be selected through consultation with a certified seed provider and with consideration of soil type, light, moisture, use applications, and native species content.
- Soil tests should be performed to determine the nutrient and pH levels in the soil. The pH may need to be adjusted to between 6.5 and 7.0.
- Prepare a 3-5" deep seedbed, with the top 3-4" consisting of topsoil.
- Slopes steeper than 1:3 should be roughened.
- Apply seed as soon as possible after seedbed preparation. Seed may be broadcast by hand, hydroseeding, or by using mechanical drills.
- Mulch immediately after seeding.
- Dormant seed mixes are for use after the growing season, using seed which lies dormant in the winter and begins growing as soon as site conditions become favorable.

PERMANENT SEEDING SPECIFICATIONS (E8)

How (cont.)

- Protect seeded areas from pedestrian or vehicular traffic.
- Divert concentrated flows away from the seeded area until vegetation is established.

Maintenance

- Inspect weekly and within 24 hours following each rain event in the first few months following installation to be sure seed has germinated and permanent vegetative cover is being established.
- Add supplemental seed as necessary.

Limitations

- Seeds need adequate time to establish.
- May not be appropriate in areas with frequent traffic.
- Seeded areas may require irrigation during dry periods.
- Seeding success is site specific, consider mulching or sodding when necessary.

PERMANENT SEEDING SPECIFICATION
SEED ALL DISTRIBUTED AREAS WITH THE FOLLOWING SEED MIXTURE OR APPROVED EQUIVALENT:
 MICHIGAN GREEN - 15% BLUEGRASS, 40% FESCUE, 45% RYEGRASS
 APPLY AT A RATE OF 5 LBS./1000 SF
-APPLY SILT STOP OR APPROVED TACKIFIER TO SEED MIX.



E8 PERMANENT SEEDING

Planting Zones	Lower Peninsula (South of TDON) Zone 1	Lower Peninsula (North of TDON) Zone 2	Upper Peninsula Zone 3
Seeding Window	4/15 - 10/10	5/1 - 10/1	5/1 - 9/20
Permanent Seeding			
Seeding Window	11/15 - Freeze	11/01 - Freeze	11/01 - Freeze
Dormant Seeding*			

Source: Adapted from MDOT Interim 2003 Standard Specifications for Construction

	Zone 1 Lower Peninsula (South of U.S. 10)	Zone 2 Lower Peninsula (North of U.S. 10)	Zone 3 Upper Peninsula
Seeding Dates (with Irrigation or Mulch)	4/1 - 8/1	5/1 - 9/20	5/1 - 9/10
Seeding Dates (w/o Irrigation or Mulch)	4/1 - 5/20 8/10 - 10/1	5/1 - 6/10 8/1 - 9/20	5/1 - 6/15 8/1 - 9/20
Dormant Seeding Dates*	11/1 - Freeze	10/25 - Freeze	10/25 - Freeze

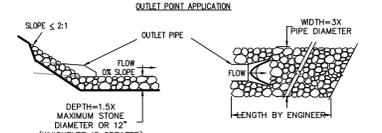
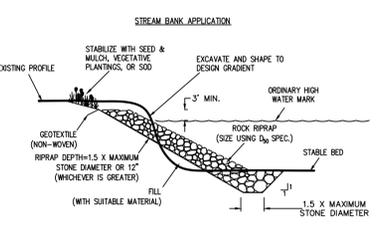
Source: Adapted from USDA NRCS Technical Guide #342 (1999)

* Dormant seeding is for use in the late fall after the soil temperature remains consistently below 50°F, prior to the ground freezing. This practice is appropriate if construction on a site is completed in the fall but the seed was not planted prior to recommended seeding dates. No seed germination will take place until spring. A cool season annual grass may be added in an attempt to have some fall growth.

- Mulch must be used with dormant seed.
- Do not seed when the ground is frozen or snow covered.
- Do not use a dormant seed mix on grassed waterways.



E12 RIPRAP



E12 RIPRAP SPECIFICATIONS

When

- When concentrated water flows have the potential to create scour, down-cutting, or lateral cutting.

Why

- To prevent loss of land or damage to utilities or structures. In aquatic applications, riprap is used to control channel meander and maintain capacity, protect against wave attack, and reduce sediment load.

Where

- In natural or constructed channels with areas susceptible to erosion from the action of water, ice, or debris, or to damage by livestock or vehicular traffic.
- In shoreline areas where the erosion problem may be solved through simple structural measures.
- On slopes with profiles measuring 1:1.5 or less.

How

- Review subject site to identify areas subject to concentrated flows or wave/current attack.
- The appropriateness and extent of riprap placement is site specific and should be determined in the field.
- The area under review for riprap placement must be shaped and contoured appropriately by grading prior to material placement.
- Non-woven geotextile fabric should be installed prior to riprap placement, with upper end and toe end of fabric buried or anchored to prevent movement.
- Riprap placement should be started at a stabilized location and ended at a stabilized or contoured point.
- Material selected for riprap should be hard, angular, and resistant to weathering. Appropriate material size depends on expected water energy and intended function of the material.

E12 RIPRAP SPECIFICATIONS

How (cont.)

- Riprap mixture should be an even mixture of stone sizes based on the average, or D_{50} . This means 50% of the stone, by size, will be larger than the diameter specified, and 50% will be smaller than the size specified. The diameter of the largest stone should not be more than 1.5 times the D_{50} stone size.
- See table on the following page for typical riprap stone sizes.
- Rock shall be placed so that larger rocks are uniformly distributed and in contact with one another. Smaller rocks should fill the voids.
- When in contact with moving water, riprap will tie into a stable bank at the downstream end and will be keyed into the bank at the upstream end. Riprap should extend 3 ft. above the ordinary high water mark or to the top of the bank on short slopes. Extend riprap a minimum 10 ft. beyond active erosion area.

Maintenance

- All installations should be inspected immediately after the first rainfall to confirm the stability of the placed material. Follow-up inspections should occur regularly and provisions made for prompt repair if needed.

Limitations

- Area is cleared prior to the addition of riprap, therefore no areas are preserved with native vegetation.

SIZE OF TYPICAL RIPRAP STONES

Weight (lbs.)	Average Spherical Diameter (in.)	Typical Rectangular Shape Length (in.)	Width (in.)	Depth (in.)
50	18	24	6	5
100	15	21	5	4
150	13	18	4	3
200	12	16	3	3
300	10	14	3	2
400	9	12	2	2
500	8	10	2	2
600	7	9	2	2
700	6	8	2	2
800	5	7	2	2
900	4	6	2	2
1000	4	6	2	2

Source: Adapted from USDA NRCS



S51 SILT FENCE SPECIFICATIONS

When

- A temporary measure for preventing sediment movement.

Why

- Used to prevent sediment suspended in runoff from leaving an earth change area.

Where

- Use adjacent to critical areas, wetlands, base of slopes, and watercourses.

How

- Install parallel to a contour.
- The silt fence should be made of woven geotextile fabric.
- Silt fence should accommodate no more than 1/2 to 1 acre of drainage per 100' of fence and on slopes less than 1:2 (v:h).
- Dig a 6" trench along the area where the fence is to be installed.
- Place 6" of the silt fence bottom flap into the trench.
- Backfill the trench with soil and compact the soil on both sides. Create a small ridge on the up-slope side of the fence.
- Install wooden stakes 6 - 10' apart and drive into the ground a minimum of 12".
- Staple the geotextile fabric to the wooden stakes.
- Join sections of silt fence by wrapping ends together (See drawing).

Maintenance

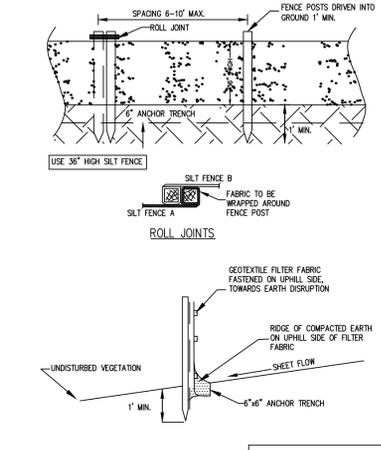
- Inspect frequently and immediately after each storm event. Check several times during prolonged storm events. If necessary, repair immediately.
- If the sediment has reached 1/3 the height of the fence, the soil should be removed and disposed of in a stable upland site.
- The fence should be re-installed if water is seeping underneath it or if the fence has become ineffective.
- Silt fence should be removed once vegetation is established and up-slope area has stabilized.

S51 SILT FENCE SPECIFICATIONS

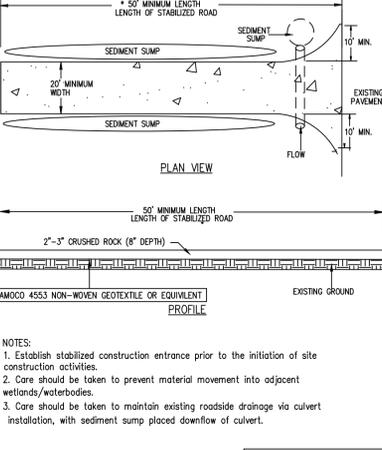
Limitations

- Silt fence may cause temporary ponding and could fail if too much water flows through the area.
- Do not use in areas with concentrated flows.
- Chance of failure increases if fence is installed incorrectly or if sediment accumulation is not removed.

S51 SILT FENCE



S53 STABILIZED CONSTRUCTION ACCESS



S53 STABILIZED CONSTRUCTION ACCESS SPECIFICATIONS

Maintenance (cont.)

- Sediment deposited on public rights-of-way shall be removed immediately and returned to the construction site.
- If soils are such that washing of tires is required, it shall be done in a wash rack area, stabilized with stone, immediately prior to the construction access stabilized corridor.
- At the project completion, rock access road should be removed and disposed of unless utilized as subgrade for final road.

Limitations

- Effectiveness limited, sediment may be tracked onto roads requiring additional action.

S53 STABILIZED CONSTRUCTION ACCESS SPECIFICATIONS

When

- Construction traffic is expected to leave a construction site.
- Stabilization of interior construction roads is desired.

Why

- To minimize tracking of sediment onto public roadways and to minimize disturbance of vegetation.

Where

- Stabilized construction entrances shall be located at every point where construction traffic enters or leaves a construction site. Vehicles leaving the site must be routed over the rock ingress/egress corridor.

How

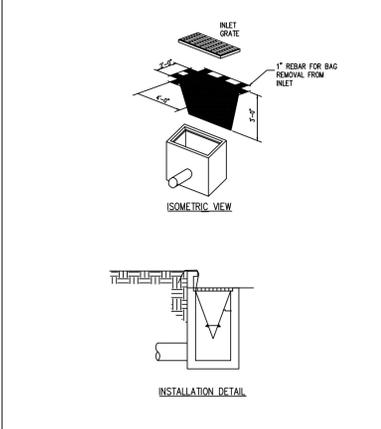
- Stabilized construction access road should be established at the onset of the construction activities and maintained in place for the duration of the construction project.
- Installation of this practice should be the responsibility of the site clearing or excavating contractor.
- Access location should be cleared of woody vegetation.
- Non-woven geotextile fabric shall be placed over the existing ground prior to placing stone.
- Access size should be a minimum of 50', (30' for single residence lot).
- Access width should be 12' minimum, flared at the existing road to provide a turning radius.
- Crushed aggregate (2" to 3"), or reclaimed or recycled concrete equivalent, shall be placed at least 8" deep over the length and width of the ingress/egress corridor.

Maintenance

- Periodic inspection and needed maintenance shall be provided after each rain event.
- Stabilized entrances shall be repaired and rock added as necessary.



S58 INLET PROTECTION - FABRIC DROP



S58 INLET PROTECTION - FABRIC DROP SPECIFICATIONS

When

- When sediment laden stormwater requires treatment before entering a stormwater drainage system.

Why

- To prevent sediment from entering stormwater systems.

Where

- Use in or at stormwater inlets, especially at construction sites or in streets.

How

- A filter fabric bag is hung inside the inlet, beneath the grate.
- Replace grate, which will hold bag in place.
- Anchor filter bag with 1" rebar for removal from inlet.
- Flaps of bag that extend beyond the bag can be buried in soil in earth areas.

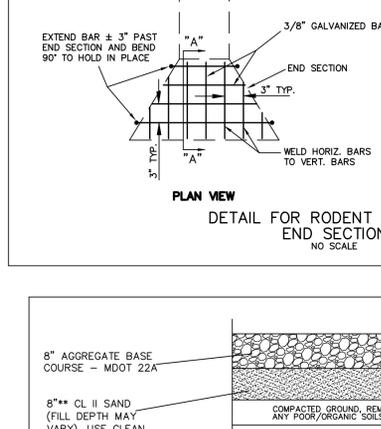
Maintenance

- Drop inlet filters should be inspected routinely and after each major rain event.
- Damaged filter bags should be replaced.
- Clean and/or replace filter bag when 1/2 full.
- Replace clogged fabric immediately.
- If needed, initiate repairs immediately upon inspection.
- Remove entire protective mechanism when upgradient areas are stabilized and streets have been swept.

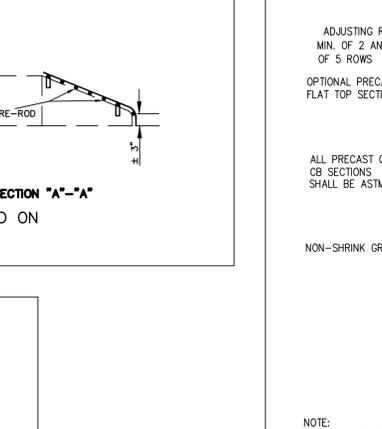
Limitations

- Can only accommodate small flow quantities.
- Requires frequent maintenance.
- Ponding may occur around storm drains if filter is clogged.

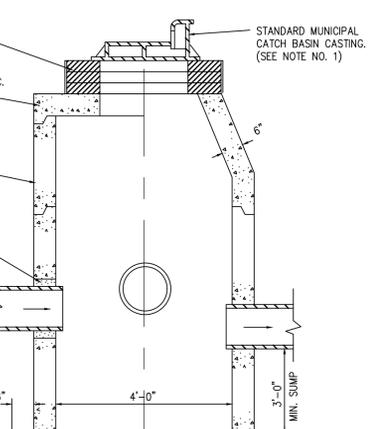
S58 INLET PROTECTION - FABRIC DROP



S58 INLET PROTECTION - FABRIC DROP



S58 INLET PROTECTION - FABRIC DROP



REVISIONS

11-16-25 PRELIMINARY SITE PLAN		
1-6-26 SITE PLAN SUBMITTAL		
2-16-26 SITE PLAN SUBMITTAL		

KEBS, INC. KYES ENGINEERING BRYAN LAND SURVEYS
 2116 HASLETT ROAD, HASLETT, MI 48840
 PH. 517-339-1014 FAX. 517-339-8047
 Marshall Office Ph. 269-781-9800

DITCH WITCH EXPANSION
 DETAIL PLAN

SCALE: 1"= 60'
 DATE: 2-16-26
 AUTHORIZED BY: DITCH WITCH SALES OF MICHIGAN

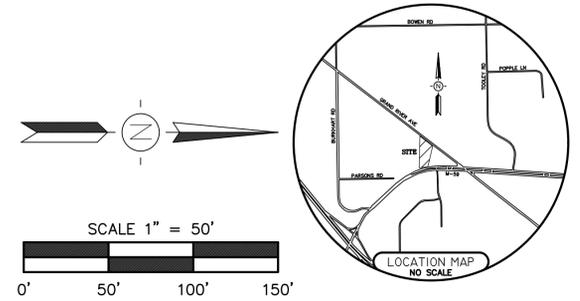
DESIGNER: GAP
 PROJECT MGR. GAP
 APPROVED BY: GAP
 SHEET 7 OF 7
 JOB #: E-104648

GREGORY A. PETRU
 ENGINEER NO. 50958
 LICENSED PROFESSIONAL ENGINEER

DITCH WITCH EXPANSION

HOWELL, LIVINGSTON COUNTY, MICHIGAN

DENOTES EXISTING DRAINAGE FLOW →
 DENOTES PROPOSED DRAINAGE FLOW →



BENCHMARKS

BENCHMARK #1 ELEV. = 944.56 (NAVD88)
 TOP OF NNE FLANGE BOLT NEXT TO "O" IN
 "OPEN", FIRE HYDRANT, 80' SOUTHWESTERLY
 OF CENTERLINE GRAND RIVER AVENUE, 25'
 NORTHWESTERLY OF CENTERLINE OF EASTERLY
 DRIVE TO #3401 W. GRAND RIVER AVENUE.

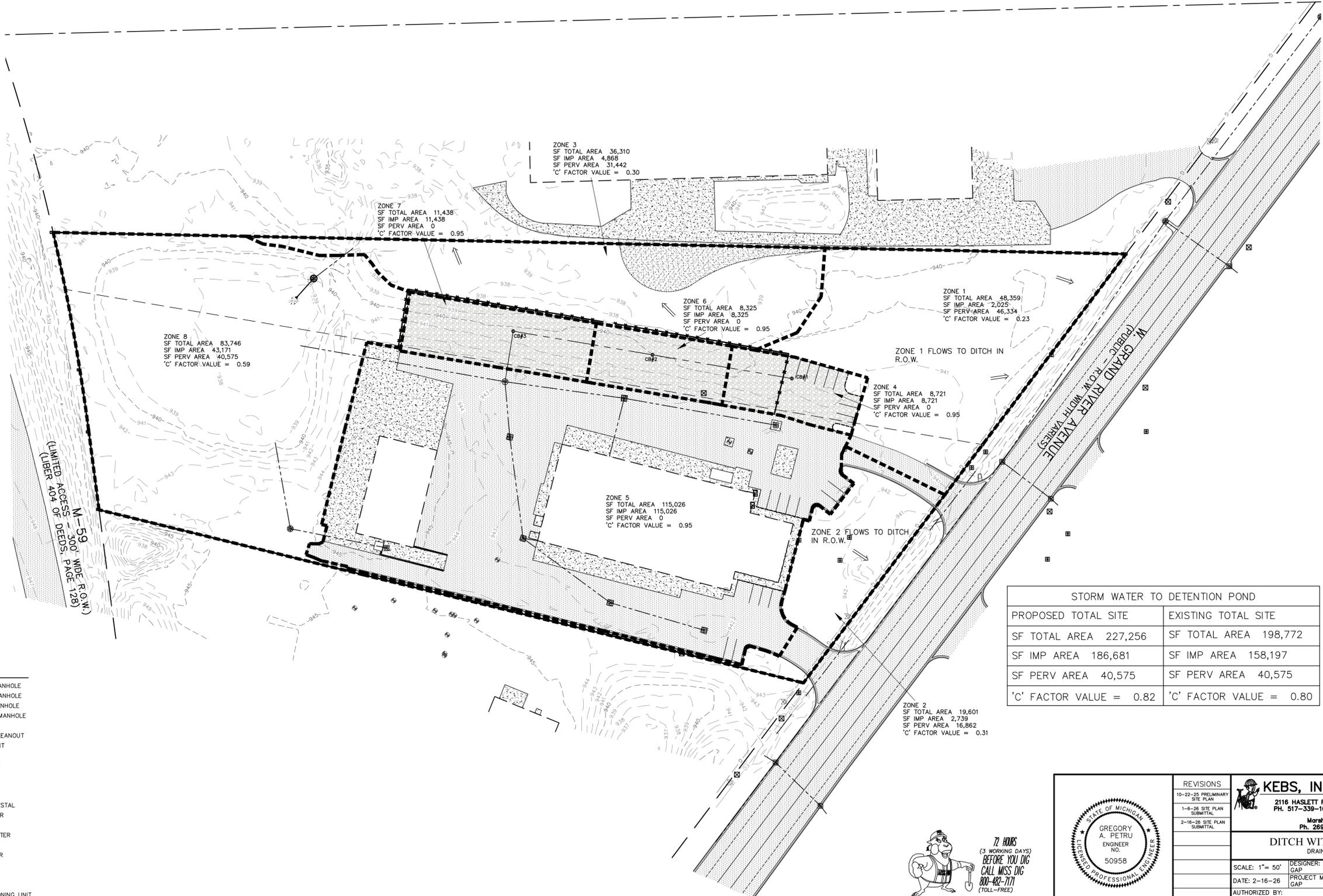
BENCHMARK #2 ELEV. = 943.01 (NAVD88)
 TOP OF SOUTHERLY FLANGE BOLT NEXT TO "O"
 IN "OPEN", FIRE HYDRANT, NORTHEASTERLY OF
 GRAND RIVER AVENUE, SOUTHERLY FROM
 #3480 W. GRAND RIVER AVENUE.

LEGEND

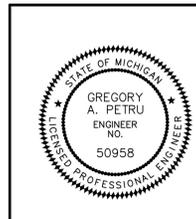
- PROPOSED WATER MAIN
- PROPOSED SANITARY SEWER
- PROPOSED STORM SEWER
- PROPOSED HYDRANT
- PROPOSED GATE VALVE
- PROPOSED SAN. M.H.
- PROPOSED STORM M.H.
- PROPOSED C.B.
- PROPOSED GRADES
- PROPOSED FIRST FLOOR ELEV.
- ▲ 1/4" 800.00 PROPOSED TOP OF CURB ELEV.
- ▲ 1/8" 800.00 PROPOSED TOP OF GROUND ELEV.
- ▲ 1/8" 800.00 PROPOSED TOP OF PAVT ELEV.
- ▲ 1/8" 800.00 PROPOSED TOP OF WALK ELEV.
- DENOTES S.E.S.C. KEYING SYSTEM

EX. LEGEND

- SET 1/2" BAR WITH CAP
- FOUND IRON AS NOTED
- DEED LINE
- DISTANCE NOT TO SCALE
- ASPHALT
- CONCRETE
- GRAVEL
- EXISTING SPOT ELEVATION
- EXISTING CONTOUR ELEVATION
- SANITARY SEWER
- STORM SEWER
- WATER LINE
- GAS LINE
- UNDERGROUND TELEPHONE
- UNDERGROUND TELEVISION
- UNDERGROUND ELECTRIC
- OVERHEAD WIRES
- EDGE OF WOODS
- SANITARY MANHOLE
- DRAINAGE MANHOLE
- ELECTRIC MANHOLE
- TELEPHONE MANHOLE
- CATCHBASIN
- SANITARY CLEANOUT
- FIRE HYDRANT
- VALVE
- UTILITY POLE
- LIGHT POLE
- GUY POLE
- GUY WIRE
- UTILITY PEDESTAL
- TRANSFORMER
- HANDHOLE
- ELECTRIC METER
- GAS METER
- WATER METER
- SIGN
- POST
- AIR CONDITIONING UNIT



STORM WATER TO DETENTION POND	
PROPOSED TOTAL SITE	EXISTING TOTAL SITE
SF TOTAL AREA 227,256	SF TOTAL AREA 198,772
SF IMP AREA 186,681	SF IMP AREA 158,197
SF PERV AREA 40,575	SF PERV AREA 40,575
'C' FACTOR VALUE = 0.82	'C' FACTOR VALUE = 0.80



REVISIONS 10-22-25 PRELIMINARY SITE PLAN 1-6-26 SITE PLAN SUBMITTAL 2-16-26 SITE PLAN SUBMITTAL	KEBS, INC. KYES ENGINEERING BRYAN LAND SURVEYS 2116 HASLETT ROAD, HASLETT, MI 48840 PH. 517-339-1014 FAX. 517-339-8047 Marshall Office Ph. 269-781-9800
DITCH WITCH EXPANSION DRAINAGE MAP	
SCALE: 1" = 50' DATE: 2-16-26 AUTHORIZED BY: DITCH WITCH SALES OF MICHIGAN	DESIGNER: G.A.P. PROJECT MGR. G.A.P. APPROVED BY: G.A.P. SHEET D1 OF 7 JOB #: E-104648



DITCH WITCH EXPANSION

HOWELL, LIVINGSTON COUNTY, MICHIGAN

INTERNATIONAL SOCIETY OF ARBORICULTURE
1400 WEST ANTHONY DRIVE
CHAMPAIGN, IL 61821
(217) 355-9411
(217) 355-9516 FAX

DO NOT HEAVILY PRUNE THE TREE AT PLANTING. PRUNE ONLY EXCESSIVE LIMBS, DISJOINTMENT LIMBS, AND BRUSH OR DEAD BRANCHES. SOAK INTERIOR TWIGS AND LATERAL BRANCHES TO BE REMOVED. PRUNE TO NEAR THE TERMINAL BUDDS OF BRANCHES THAT LEAD TO THE EDGE OF THE CROWN.

STAKE TREES ONLY UPON THE APPROVAL OF THE LANDSCAPE ARCHITECT OR IN HOOD AND AREAS OF ROOT BALL IS VERY SHADY OR WILL CLIP SOIL.

MARK THE NORTH SIDE OF THE TREE IN THE NURSERY, AND MARK TREE TO FACE NORTH AT THE SITE WHEN LOADED. MARK THE NORTH SIDE OF THE TREE IN THE NURSERY, AND MARK TREE TO FACE NORTH AT THE SITE WHEN LOADED.

SET TOP OF ROOT BALL FLUSH TO GRADE OR 25-50 MM (1-2 IN.) HIGHER IN CLAYEY SOILS.

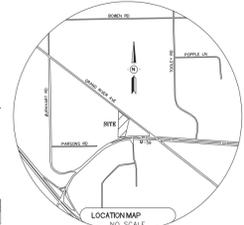
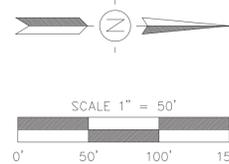
150 MM (6 IN.) MATCH, DO NOT PLACE MULCH IN CONTACT WITH TREE TRUNK. MAINTAIN THE MULCH 100-150 MM (4-6 IN.) FROM THE TRUNK. MULCH-FREE FOR A MINIMUM OF THREE YEARS AFTER PLANTING.

EXISTING SITE SOIL FREE OF CONSTRUCTION DEBRIS.

BACKFILL PLANTING HOLE WITH A PLANTING MIX CONSISTING OF COMPOST, 20% SIEVE, COARSE TO MEDIUM SAND, 20% SIEVE, PERLITE/VERMICULITE, MULCHED PINE BARK 10% - 15%.

TREE PLANTING DETAIL - B&B TREES IN ALL SOIL TYPES
NOTE: THIS DETAIL ASSUMES THAT THE PLANTING SPACE IS LARGER THAN 2400 MM (8 FT.) SQUARE, OPEN TO THE SKY, AND NOT COVERED BY ANY PAVING OR GRADING.

QUANT.	CANOPY	COMMON NAME	BOTANICAL NAME	SIZE	ROOT
1	AF	AUTUMN BLAZE MAPLE	ACER X FREEMANNI "AUTUMN BLAZE"	2.5" CAL.	B & B
1	AR	RED SUNSET MAPLE	ACER RUBRUM "RED SUNSET"	2.5" CAL.	B & B
1	TG	GREENSPIRE LITTLELEAF LINDEN	TILIA TOMENTOSA "GREENSPIRE"	2.5" CAL.	B & B



BENCHMARKS

BENCHMARK #1 ELEV. = 944.56 (NAVD88)
TOP OF NNE FLANGE BOLT NEXT TO "O" IN "OPEN", FIRE HYDRANT, 80' SOUTHWESTERLY OF CENTERLINE GRAND RIVER AVENUE, 25' NORTHWESTERLY OF CENTERLINE OF EASTERLY DRIVE TO #3401 W. GRAND RIVER AVENUE.

BENCHMARK #2 ELEV. = 943.01 (NAVD88)
TOP OF SOUTHERLY FLANGE BOLT NEXT TO "O" IN "OPEN", FIRE HYDRANT, NORTHEASTERLY OF GRAND RIVER AVENUE, SOUTHERLY FROM #3480 W. GRAND RIVER AVENUE.

LEGEND

- PROPOSED WATER MAIN
- PROPOSED SANITARY SEWER
- PROPOSED STORM SEWER
- PROPOSED HYDRANT
- PROPOSED GATE VALVE
- PROPOSED SAN. M.H.
- PROPOSED STORM M.H.
- PROPOSED C.B.
- PROPOSED GRADES
- PROPOSED FIRST FLOOR ELEV.
- PROPOSED TOP OF CURB ELEV.
- PROPOSED TOP OF GROUND ELEV.
- PROPOSED TOP OF PAVT ELEV.
- PROPOSED TOP OF WALK ELEV.
- DENOTES S.E.S.C. KEYING SYSTEM

EX. LEGEND

- SET 1/2" BAR WITH CAP
- FOUND IRON AS NOTED
- DEED LINE
- DISTANCE NOT TO SCALE
- ASPHALT
- CONCRETE
- GRAVEL
- EXISTING SPOT ELEVATION
- EXISTING CONTOUR ELEVATION
- SANITARY SEWER
- STORM SEWER
- WATER LINE
- GAS LINE
- UNDERGROUND TELEPHONE
- UNDERGROUND TELEVISION
- UNDERGROUND ELECTRIC
- OVERHEAD WIRES
- EDGE OF WOODS
- SANITARY MANHOLE
- DRAINAGE MANHOLE
- ELECTRIC MANHOLE
- TELEPHONE MANHOLE
- CATCHBASIN
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- GUY WIRE
- UTILITY PEDESTAL
- TRANSFORMER
- HANDHOLE
- ELECTRIC METER
- GAS METER
- WATER METER
- SIGN
- POST
- AIR CONDITIONING UNIT

Symbol	Label	QTY	Manufacturer	Catalog Number	Description	Number Lamps	LLF	Lumens per Fixture	Polar Plot
	FL	3	LSI INDUSTRIES, INC.	SMA-LED-28L-ACR-W-UVV-50-BRZ-W-DIM-SF	LED Wide Flood 200watt	1	0.96	27,000	
	Exist ing	3	Unknown	Generic 400w Metal Halide Flood		1	0.96	21,000	

Plan View
Scale - 1" = 60ft

Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Ashphalt Area	+	2.3 fc	18.3 fc	0.3 fc	61.0:1	7.7:1
Gravel Area	+	3.1 fc	22.9 fc	0.2 fc	114.5:1	15.5:1
Tertiary Area	+	0.2 fc	1.8 fc	0.0 fc	N/A	N/A

Luminaire Locations

No.	Label	MH	Tilt
1	Existing	22.00	...
3	Existing	22.00	...
4	Existing	22.00	...
1	FL	22.00	...
	FL-1	22.00	57.08
	FL-2	22.00	63.32
4	FL	22.00	...
	FL-1	22.00	58.65
	FL-2	22.00	58.75
5	FL	22.00	...
	FL-1	22.00	57.08
	FL-2	22.00	58.75

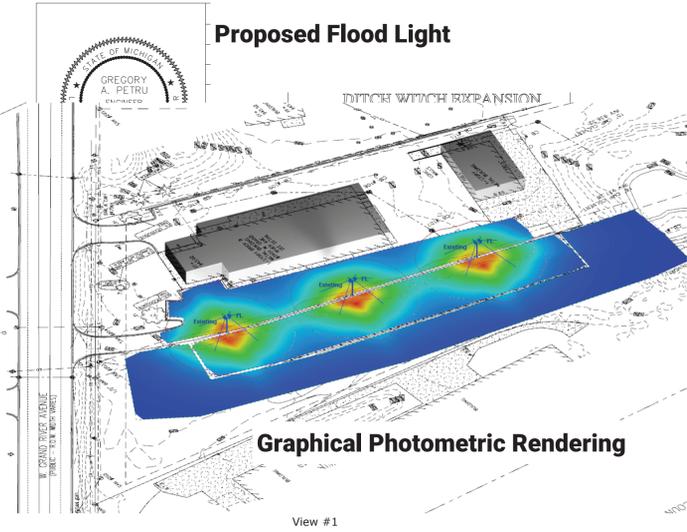
Commercial Area Medium (SMA)
Outdoor Area, Wall & Flood Light

OVERVIEW

Lumen Package	28,000 - 42,000
Wattage Range	200 - 296
Efficacy Range (LPW)	133 - 146
Weight lbs(kg)	19 (8.7)
Control Options	IMSBT, ALB, ALS, 7-Pin

QUICK LINKS

- Ordering Guide
- Performance
- Photometrics
- Dimensions



Ditch Witch Expansion
Proposed Exterior Site Lighting
Howell, MI

February 3rd, 2026

Jonathan Hohenstein
Howell Township
3525 Byron Road
Howell, MI 48855

RE: Ditch Witch Expansion
Parcel ID #4706-28-200-040
Preliminary Site Plan Review

Mr. Hohenstein,

We have received and reviewed Preliminary Site Plans for the proposed Ditch Witch Expansion at 3401 W Grand River Avenue. The plans were prepared by KEBS, INC, dated the 6th of January 2026 and were received on the 13th of January 2026. Based on our review, we offer the following comments:

General

The submitted plans satisfy the administrative information requirements for Preliminary Site Plan Review. The name of the proposed development is clearly identified as the Ditch Witch Expansion. Ownership of the property is listed as Michigan Underground Specialists, LLC, with the owner's address and contact information provided on the cover sheet. The drawings also identify KEBS, Inc. as the professionals responsible for preparing the site plans, including their address and contact information. A vicinity/location map depicting the general location of the is included, and the plan preparation date is shown on the drawings.

A boundary and topographic survey is provided that includes the property description and delineates the project boundaries with bearings and distances. However, the listed bearings and distances do not close within acceptable tolerance, resulting in an approximate 43-foot separation at the point of beginning. The survey identifies the parcel as containing approximately 7.6 acres and depicts the existing developed condition of the site, including the location of the existing principal building and associated site improvements generally situated near the central portion of the property. Existing paved and gravel areas, as well as recorded easements are shown. Survey monuments, stakes, and irons are depicted where applicable. Existing natural features are identified, and no regulated floodplains, lakes, ponds, or streams are shown within the project area, with exception of the existing detention pond.

Site data included on the plans demonstrates conformance with the Industrial Flex (IF) zoning standards. Required building setbacks of 35 feet front, 10 feet minimum on each side (25 feet total), and 10 feet rear are listed and are consistent with IF District requirements, the setbacks shown on the plans exceed these minimum values. The zoning ordinance permits a maximum lot coverage of 75 percent, and the plans indicate a proposed lot coverage of approximately 47.96 percent, demonstrating compliance.

A perimeter fence is shown surrounding the proposed outdoor storage area. Prior to Final Site Plan approval, details regarding fence type, material, height, and opacity shall be provided and reviewed by the Township to confirm that the fence achieves the required screening from public view and adjacent properties in accordance with the Howell Township Zoning Ordinance. Required screening may be provided by the fence alone or in combination with landscaping or other screening elements, provided the overall screening treatment complies with ordinance requirements and does not exceed twelve (12) feet in

height. Based on the information provided, the proposed improvements are appropriate for the IF zoning district and satisfy the applicable zoning ordinance standards for Preliminary Site Plan Review.

Grading and Drainage

Existing drainage patterns shown on the plans indicate that runoff generally flows toward the on-site stormwater management facilities. The plans indicate the addition of a swale along the west side of the proposed expansion intended to convey runoff toward the existing on-site stormwater management facilities. Runoff from the proposed gravel outdoor storage area is directed to existing stormwater infrastructure and discharges to the existing on-site detention basin. No new off-site discharge points are proposed. As part of this submittal, the applicant shall identify the detention volume required for the proposed improvements and the detention volume provided by the existing detention basin. The outlet structure should be evaluated and revised as necessary, as it is currently shown above the bottom of the detention basin. In addition, the proposed grading along the west side of the site should be further evaluated, as the overflow rim elevation is shown at 940.71, which appears to be approximately two feet higher than the adjacent swale contours and may result in localized ponding or flooding. Detailed grading and stormwater calculations have not been evaluated at this stage and shall be submitted and reviewed as part of the Final Site Plan to confirm the adequacy of the detention basin.

Sanitary Sewer & Watermain

Public water and sanitary sewer services are existing, and no modifications or extensions are proposed as part of this project. The proposed improvements do not increase building area or alter the principal use in a manner that would require additional water or sanitary capacity. Based on the information provided, the development is not anticipated to impact the existing water or sanitary sewer systems. Any future changes to water or sanitary service shall be subject to review and approval by the appropriate agencies during Final Site Plan review.

Parking and Landscaping

A landscape plan has been submitted with the Preliminary Site Plans. Additional parking is proposed on-site; however, the plans should clearly identify the total parking count, stall and aisle dimensions, accessible (ADA) parking, and any associated landscaping or buffering required to demonstrate compliance with ordinance standards. Further review and comments related to parking and landscaping are deferred to the Township Planner.

Site Lighting

A photometric lighting plan is included with the submittal. The plan demonstrates that very minimal light spills beyond the west property line, with lighting levels diminishing rapidly at the parcel boundary. All site lighting is identified as existing, and no new exterior lighting is proposed. Additional review and comment regarding site lighting are deferred to the Township Planner.

February 3, 2026
3 of 3

Recommendations

Should the Planning Commission decide to proceed with approval of this project, we recommend the following conditions be placed with approval:

1. Plans should be reviewed and approved by:
 - a. Fire Marshal
 - b. Township Planner
 - c. Livingston County Drain Commissioner
2. Please revise the proposed grading along the west side of the site to avoid flooding.
3. Provide a survey/legal description that closes within acceptable tolerance.
4. Provide fence specifications for the outdoor storage area, including type, material, height, and opacity, to demonstrate compliance with screening requirements.
5. Identify the total number of parking spaces, including stall and aisle dimensions.

If you have any questions or need anything further, please feel free to contact our office.

Sincerely,



Adam C. Jacquain
Design Engineer
Phone: (989) 598-6196
adamj@spicergroup.com



Philip A. Westmoreland, P.E.
Executive Vice President
Phone: (517) 375-9449
philaw@spicergroup.com

SPICER GROUP, INC.
30300 Telegraph Rd, Suite 100
Bingham Farms, MI 48025

CC: SGI File
Jonathan Hohenstein, Howell Township Planner
Ken Recker, Livingston County Chief Deputy Drain Commissioner
Paul Montagno, Carlisle Wortman
Bryan Hager, Howell Township Fire Inspector



KEBS, INC.

February 17, 2026

Mr. Adam Jacqmain
Spicer Group, INC.
30300 Telegraph Rd, Suite 100
Bingham Farms, Michigan 48025

Re: Ditch Witch Expansion

Dear Mr. Adam Jacqmain:

Attached are the revised construction plans for the Ditch Witch Expansion project. Comments from your February 3, 2026 letter have been addressed as follows:

Recommendations:

1. Plans are to be submitted and reviewed by the Fire Marshal, Township Planner and Livingston County Drain Commissioner. The updated plans are ready to be submitted.
2. The grading along the West side of the site has been revised. The gravel section was reduced to 60' and the gravel section is proposed to all be captured and sent to the existing detention basin. The West side of the gravel will remain drainage as-is. It currently is pretty flat but ultimately goes to the SW. With the gravel collecting all the proposed runoff the drainage to the SW will be reduced.
3. The survey/legal description was discussed and was determined to be ok, so it was left alone.
4. A note has been added to the plans that the fence shall be opaque and 6' high. The owner shall submit fence cutsheets prior to installation for approval.
5. The site data table has been updated to include the total number of parking spaces, we are showing 24.

If you need anything additional or would like to see any adjustments let me know. I can be reached at (517) 339-1014 or emailed at gpetru@kebs.com.

Sincerely,

Greg Petru, P.E.
KEBS Inc.

Attachments: PDF set of plans

RE: Ditch Witch Site Plan Review

From Ken Recker <KRecker@livgov.com>

Date Tue 2/3/2026 4:07 PM

To Howell Township Administration <administration@howelltownshipmi.org>; Paul Montagno <pmontagno@cwaplan.com>; Brady Heath <bheath@cwaplan.com>; Westmoreland, Phil A. <philaw@spicergroup.com>; Jacqmain, Adam C. <adamj@spicergroup.com>; Howell Township Treasurer <treasurer@howelltownshipmi.org>

Cc [REDACTED]; Paul Lewsley [REDACTED]; khiller@livingstonroads.org <khillier@livingstonroads.org>; Greg Petru [REDACTED]; Mitch Dempsey <MDempsey@livgov.com>

 1 attachment (6 MB)

Grand RiverLCRCAsbuilts.pdf;

Jonathan/Marnie,

I have completed a preliminary review of the plans for the proposed Ditch Witch parking addition, as sent by the Township via email on January 13, 2026, and I would offer the following.

1. **Overall drainage Concept** – The existing site consists of a several buildings and a paved parking area. The buildings and parking areas are served by a stormwater collection system that discharges to a detention basin in the rear of the lot. This property was previously reviewed as part of a proposed project in 1999, which appears completed. All of the subject property is in the Rossington Drainage District, where we are working through a petition to make improvements to the system, all of which are over 2000 feet north/northwest of the subject site. As we have discussed, areas along Grand River Rd. west of M-59 within the Rossington Drain have drainage limitations associated with heavy soils and a generally high water table. This generally appeared to be the case for the A&F Wood products project, which was reviewed by this office in 2024. The drainage for the adjoining M-59 state highway, immediately south of the subject site, appears to sheet flow into the adjoining Trans-West Industrial Subdivision Drainage system to the south of M-59.
2. **Cover Sheet** - a Land use summary table, similar to that in Appendix J of our drainage standards, should be added to this sheet.
3. **Boundary and Topographic Survey** – The inverts, pipe type, and size of the storm sewer pipe under the south curb line of Grand River Avenue should be shown on the plans. As-builts are attached from the Road Commission for this purpose.
4. **Detention Volume** – This project was previously reviewed under drainage standards in place in 1999, which required storage to the 50 year (or 2% chance storm event) Calculations from 1999 indicate 75,285 cubic feet of storage volume was to be provided by the proposed basin, while the required storage was 55,322 cubic feet. Existing storage volumes should be confirmed. Current standards require storage of the 100 year, or 1% chance event. It is unclear from the plans as to if the added storage north of the current basin is to provide the 1% chance volume for the added parking area or more of the facility in question. Given our knowledge of soil conditions in the area, we would waive the infiltration testing requirement for this basin.
5. **Detention Outlet** – the outflow for the detention area appears to flow westerly, matching the historic discharge point shown in the 1999 plans. Visual examination of aerials does not indicate a clear flow path north to Grand River Avenue, where storm sewer carries runoff to the Rossington

Drain. It appears the northerly addition to the detention area, combined with the existing issues identified in Spicer Groups February 3, 2026, correspondence, may create ponding or drainage issues on the west side of the site.

I would recommend the planning commission consider the above issues, along with those identified in the Spicer Group correspondence dated February 3, 2026, in its consideration of preliminary approval for this site plan. If you have any questions let me know.

Sincerely

From: Howell Township Administration <administration@howelltownshipmi.org>

Sent: Tuesday, January 13, 2026 2:10 PM

To: Paul Montagno <pmontagno@cwaplan.com>; Brady Heath <bheath@cwaplan.com>; Ken Recker <KRecker@livgov.com>; Westmoreland, Phil A. <philaw@spicergroup.com>; Jacquemain, Adam C. <adamj@spicergroup.com>; Howell Township Treasurer <treasurer@howelltownshipmi.org>

Subject: [EXT] Ditch Witch Site Plan Review

"The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin."

Good afternoon,
Please see attached plans and application for your review for Parcel # 4706-28-200-040, at 3401 W. Grand River Ave. If there are no major changes we will try to take this to the February 24th meeting. Any questions please let us know.

Thank you,

Marnie Hebert

Administration

Howell Township

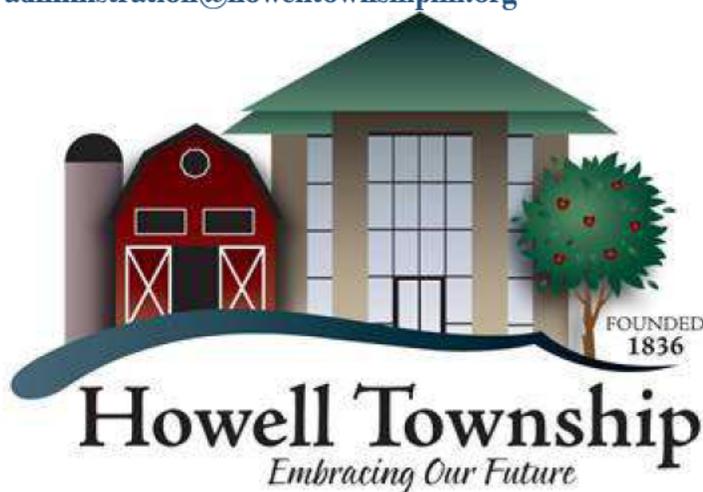
Office Hours – Monday thru Thursday - 8:00 am to 5:00 pm

CLOSED - FRIDAY and most Legal Holidays

(517) 546-2817 ext 101

(517) 546-1483 - fax

administration@howelltownshipmi.org





KEBS, INC.

February 17, 2026

Mr. Ken Recker
Livingston County Drain Commission
2300 E Grand River Ave #105,
Howell, Michigan 48843

Re: Ditch Witch Expansion

Dear Mr. Recker:

Attached are the revised construction plans for the Ditch Witch Expansion project for a construction plan review. Comments from February 3, 2026, review letter have been addressed as follows:

Engineering:

1. **Overall Drainage Concept:** The updated plans reduce the gravel width down to 60' instead of 75'. In addition, the gravel area was graded so all new runoff is collected via catch basins, instead of running directly off to the West. The new area will all be captured and discharged through the existing storm system and into the detention pond. We updated the detention pond calculations and are proposing to update the outlet structure and make some minor adjustments to the pond.
2. **Cover Sheet:** A Land Use summary table following Appendix J of the Livingston County Drain Commission drainage standards has been added to the cover sheet.
3. **Boundary and Topographic Survey:** The inverts, pipe type, and size of the storm sewer pipe (culverts) under the south curb line of Grand River Avenue are shown on the plan. There is no proposed changes here.
4. **Detention Volume:** The volume of the revised detention pond has been calculated to provide enough volume for a 100-year event based on the calculations provided in Section 2 – Design Criteria for Stormwater Management Systems. We have added a stormwater calculation page at the end of the set. It appears the detention basin has more than enough volume to satisfy the 100-year volume.
5. **Detention Outlet:** The outlet structure has been upgraded for the added area from the proposed gravel expansion. The outlet structure calculations have been added to the plans. The area West of the gravel will continue to drain as-is.

If you need anything additional or would like to see any adjustments let me know. I can be reached at (517) 339-1014 or emailed at gpetru@kebs.com.

Sincerely,

Greg Petru, P.E.
KEBS Inc.

Attachments: PDF set of plans



Carlisle | Wortman
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

Date: February 17, 2026

Site Plan Review For Howell Township, Michigan

Applicant:	Michigan Underground Specialists
Project Name:	Ditch Witch
Plan Date:	January 6, 2026
Location:	3401 W. Grand River Ave. (Parcel #4706-28-200-040)
Zoning:	Industrial Flex Zone (IFZ)
Action Requested:	Preliminary Site Plan Approval

PROJECT AND SITE DESCRIPTION

The applicant has submitted a Preliminary Site Plan, dated January 6, 2026, for proposed improvements associated with an equipment storage facility and office. The applicant proposes adding an outdoor storage area and new parking on the west side of the site. Contractor buildings, structures and equipment and materials storage yards for building and other types of construction such that any area used for outdoor storage is completely enclosed and screened from external visibility beyond such storage area are permitted in the Industrial Flex Zone (IFZ) district subject to the standards in Section 14.46.

The site is approximately 7.6-acre. The site currently has a one-story brick and metal primary building, and a one-story metal accessory building near the southeast side of the site. Both buildings are surrounded on the east, south, and west sides with storage areas enclosed in a metal fence.

The site is located south of West Grand River Avenue, and north of West Highland Road. The site is surrounded by industrial buildings. **Figure 1** provides an aerial image of the site.

Figure 1. Aerial Image of Subject Site and Vicinity



Source: Near Map, September 2025

Items to be Addressed: None.

NATURAL FEATURES

There are rows of trees along the east and south sides of the site. The applicant plans on preserving the trees. There are no water features on site. EGLE's Wetlands Map Viewer shows that there are no wetlands on site.

Items to be Addressed: None.

AREA, WIDTH, HEIGHT, SETBACKS

Table 2 summarizes the lot size, lot width building height, setback requirements, and lot coverage found in the schedule of regulations table in Section 3.17 in the Zoning Ordinance.

Table 2. Density, Placement, and Height Regulations

Standard	Required	Provided	Complies
Total Parcel Size	40,000 sq ft	7.60 acres	Yes
Lot Width	120 feet	540 feet	Yes
Building Height	70 feet	Not provided	Unknown
Front Setback	50 feet	81 feet	Yes
Side Setback	10, minimum both side yard setbacks total of 25 feet.	87.3 feet east, and 202.42 feet west with a total of 289.72 feet	Yes
Rear Setback	10 feet	260.2 feet	Yes
Lot Coverage	75%	48%	Yes

The applicant meets the standards for parcel size, lot width, setbacks, and lot coverage. The height of the primary building was not provided. The applicant shall provide the height of the building. The site plan indicates that the front yard setback is 35 feet, however according to Section 26.05 the setback along grand reiver is 50 feet.

Items to be Addressed:

- 1)The applicant shall provide the height of the primary building.
- 2)The applicant shall update the site plan to indicate a front yard setback of 50 feet.

SITE ACCESS AND CIRCULATION

There are two (2) existing access points to the site on the east and west side of the building. There are no proposed changes to the access points. The applicant should provide evidence that the proposed expansion of the site does not require any right-of-way improvements by the Livingston County Road Commission (LCRC).

We defer to Engineering and the Fire Chief for further consideration.

Items to be Addressed: Applicant shall provide approval form the LCRC.

PARKING, LOADING

Section 18.02 requires industrial uses to provide one (1) parking space for every employee working during the largest working shift, or one (1) space for every 550 square feet of total floor space, whichever is greater. The applicant has not provided information on the square footage or the total number of employees working the largest shift, so the amount of parking spaces needed could not be determined.

The applicant proposes a new parking area on the west side of the west access drive, and north of the proposed storage area. There have been no additional details provided on the proposed

parking area. The applicant shall provide more detailed information for the existing and proposed parking including elements such as layout, space dimensions, and surface material to demonstrate compliance with the parking lot design standards in Section 18.02.

The applicant has not provided any information on the parking spaces that already exist, their dimensions and the parking spaces that are proposed to be removed.

Items to be Addressed:

- 1) *The applicant shall provide the square footage of the building or the number of employees working the largest shift.*
- 2) *The applicant shall provide parking calculations.*
- 3) *The applicant shall provide details for the proposed and existing parking demonstrate compliance with the parking lot design standards in Section 18.02.*
- 4) *The applicant shall provide the number of existing and proposed parking spaces.*

LANDSCAPING

A Landscaping Plan has been provided on Sheet 6. Landscaping requirements are noted in **Table 3** are representative of the entire site.

Table 3. Landscaping Requirements

Landscaped Area	Requirement	Factor	Required	Provided
Front Yard along W Grand River	1 deciduous shade or evergreen tree per 40 lineal feet	$(540 / 40 = 13.5)$	14 trees	3 existing trees 3 trees proposed 6 total trees
	1 ornamental tree per 100 lineal feet	$(540 / 100 = 5.4)$	6 trees	1 existing tree
	8 shrubs per 40 ft.	$((540 / 40) * 8 = 108)$	108 shrubs	22 existing shrubs
Foundation Landscaping	1 ornamental tree per 35 lineal feet	Building frontage not provided	Unknown	0 trees
	5 shrubs per 35 lineal feet	Building frontage not provided	Unknown	0 shrubs

According to Section 28.03.A.1. any parking lot adjacent to the right-of-way shall require a berm. The berm shall be developed in accordance with the requirement of Section 28.02.B.

Parking lots shall be landscaped in accordance with 28.02.C.

The site is required to have landscaping along Grand River. The applicant is proposing to plant three (3) trees, one (1) Autumn Blaze Maple, one (1) red sunset maple, and one (1) Greenspire Littleleaf Linden in the northeast corner of the proposed parking lot. The applicant needs to provide eight (8) more deciduous or evergreen trees, five (5) more ornamental trees, and eighty-six (86) shrubs to meet the standards of Section 28.03.A.3. in the Zoning Ordinance. There are a few existing trees and shrubs on site that may be used towards the required front yard landscaping. To be counted these existing trees should be incorporated into the landscaping calculations.

The applicant did not specify the building frontage to calculate the foundation landscaping. There are currently zero (0) ornamental trees, and zero (0) shrubs that can count towards foundation landscaping.

The applicant is proposing a six (6) foot tall fence to surround the extended outdoor storage area. There was no additional information provided on the fence. The applicant shall provide more information on the material for the fence and a detail.

Items to be Addressed:

- 1) *The applicant shall provide a berm between the parking lot and the right-of-way that meets the requirements ins section 28,02.B.*
- 2) *The applicant shall provide parking lot landscaping in accordance with Section 28.02.C.*
- 3) *The applicant shall provide eight (8) more deciduous or evergreen trees, five (5) more ornamental trees, and eighty-six (86) shrubs to meet the standards of Section 28.03.A.3.*
- 4) *The applicant shall provide the building frontage to calculate the foundation landscaping.*
- 5) *The applicant shall provide more information for the material of the fence and a detail.*

LIGHTING

The applicant proposes using three (3) existing light posts on site. The light poles are proposed to have four (4) lights facing each direction. One (1) of the lights already exists and will remain, and the additional three (3) lights will be 200-watt LED floodlights. The Photometric plan indicates that the light will diminish to .1 footcandles towards the back of the development where the light crosses the property line. Section 14.22 in the Zoning Ordinance requires all lighting directed away and shielded from adjacent properties.

Items to be Addressed: *The lighting shall be shielded and directed away from adjacent properties.*

SIGNS

There is one (1) existing ground sign in between the east and west access points. No work is being proposed for the sign.

Items to be Addressed: None.

TRASH ENCLOSURE

The applicant did not provide any information on the trash enclosure, and the site plan indicates that no trash enclosure is being proposed. All refuse shall be stored indoors until it is removed from the site.

Items to be Addressed: None.

FLOOR PLAN & BUILDING ELEVATIONS

There are no changes proposed for the floor plans and elevations of the existing buildings.

Items to be Addressed: None.

RECOMMENDATIONS

The preliminary site plan does not comply with the requirements set forth in the Zoning Ordinance. The following item(s) should be addressed prior to the Planning Commission taking action on the preliminary site plan:

1. *The applicant shall provide the height of the primary building.*
2. *2)The applicant shall update the site plan to indicate a front yard setback of 50 feet.*
3. *Applicant shall provide approval form the LCRC.*
4. *The applicant shall provide the square footage of the building or the number of employees working the largest shift.*
5. *The applicant shall provide parking calculations.*
6. *The applicant shall provide details for the proposed and existing parking demonstrate compliance with the parking lot design standards in Section 18.02.*
7. *The applicant shall provide the number of existing and proposed parking spaces.*
8. *The applicant shall provide a berm between the parking lot and the right-of-way that meets the requirements ins section 28,02.B.*
9. *The applicant shall provide parking lot landscaping in accordance with Section 28.02.C.*
10. *The applicant shall provide eight (8) more deciduous or evergreen trees, five (5) more ornamental trees, and eighty-six (86) shrubs to meet the standards of Section 28.03.A.3.*
11. *The applicant shall provide the building frontage to calculate the foundation landscaping.*
12. *The applicant shall provide more information for the material of the fence and a detail.*
13. *The lighting shall be shielded and directed away from adjacent properties.*

Ditch Witch - Preliminary Site Plan Review
February 17, 2026

Please contact us with any questions or concerns.



CARLISLE/WORTMAN ASSOC., INC.
Paul Montagno, AICP
Principal



CARLISLE/WORTMAN ASSOC., INC.
Brady Heath
Community Planner

#PC-2025-23

cc: Jonathan Hohenstein, Township Zoning Administrator



Carlisle | Wortman
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

TO: Howell Township Planning Commission

FROM: Paul Montagno AICP, Principal and Brady Heath, Community Planner

DATE: February 13, 2026

RE: Zoning Ordinance Rewrite Proposed Schedule and Layout

Attached is the proposed outline for the new Zoning Ordinance. We will generally be working through the ordinance in the order of the table of contents. As they are completed, we will present one or more draft article to the Planning Commission for review, discussion, and direction. When appropriate, we would like to hold a workshop with the Planning Commission focused on Planned Unit Developments. Please let us know if there are any additional workshop topics that would be beneficial for the Commission.

If you have any questions, please feel free to reach out. We look forward to discussing this further with you.

Sincerely,



CARLISLE/WORTMAN ASSOC., INC.
Paul Montagno, AICP
Principal



CARLISLE/WORTMAN ASSOC., INC.
Brady Heath
Community Planner

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