

Baroda Township Planning Commission  
Minutes  
January 13, 2020

On December 9, 2019 the Baroda Township Planning Commission met in the Baroda Municipal Building meeting room at 9091 First Street, Baroda. Present were David Schultz, Dean Schmaltz, Tom Shafer, Brenda Troxell, Dennis Krotzer, Barbara Sukys and Peter Van Vooren along with Secretary Wendie Shafer, Clerk Christina Price, Zoning Administrator Jim Pheifer and three members. Chairman David Schultz called the meeting to order at 6:30 p.m.

The minutes of the December 9, 2019 meeting were reviewed. Dean Schmaltz moved, Seconded by Tom Shafer to approve the minutes. Vote – all Yes. Motion Carried.

The Building and Zoning Report for December showed there were three building permits issued in December; for one home addition, a deck and a home demolition. Two zoning permits were approved; one for a garage and one for a barn.

Old Business: David Schultz read a letter January 7, 2020 from Mike Bell, attorney for Mark Schutze spelling out that Mark Schutze has decided to voluntarily withdraw his current SLUP for NIMBY Pond. \*Letter is attached and is to be considered an integral part of these minutes.

Tom Shafer asked Mr. Schutze to verify that he understands that by this action he is voluntarily rescinding/revoking his current SLUP for NIMBY Pond racing making the races unable to be held. Mr. Schutze agreed that he is voluntarily terminating the SLUP and intends to apply for a new SLUP for Snowmobile Pond racing in the coming months. He said he didn't want the Township to incur any further costs on the issue.

David Schultz read the following resolution;

**RESOLUTION TERMINATING SPECIAL LAND USE PERMIT OF  
MARK SCHUTZE – SNOWMOBILE POND RACING**

At a regular meeting of the Baroda Township Planning Commission (Planning Commission) Berrien County Michigan, held on January 13, 2020, at 6:30 p.m., with those present and absent being:  
Present: Tom Shafer, Brenda Troxell, David Schultz, Dean Schmaltz, Peter Van Vooren, Dennis Krotzer and Barbara Sukys

Absent: None

The following resolution was offered:

**WHEREAS**, a Special Land Use Permit (SLUP) for the primary purpose of permitting snowmobile racing on a 40 foot by 600 foot pond two weekends in the summer regarding property situated at 11470 Hills Road in Baroda Township for tax code 11-02-0036-0014-00-7 (The Property) on May 9, 2006 was approved for applicant Mark Schutze (Applicant); and

**WHEREAS** it had come to the attention of the Planning Commission that the holder of the approval may have failed to comply with the applicable requirements of Chapter 13 of Baroda Township Zoning Ordinance (BTZO), other applicable sections of the BTZO, or conditions of the SLUP;

**WHEREAS** the Planning Commission had received an investigation report dated October 11, 2019 regarding information received concerning asserted violations of the SLUP, BTZO and Building Code as it pertains to The Property;

**WHEREAS** the Applicant, through counsel, acknowledged certain violations listed on page two of an October 3, 2019 letter sent to him by the BTZO attorney outlining concerns regarding the SLUP on October 14, 2019;

**WHEREAS** the Planning Commission had determined to engage a public hearing to address the concerns and possibly revoke the SLUP;

**WHEREAS** the Applicant communicated to the Planning Commission its decision to voluntarily withdraw the SLUP trusting that the voluntary withdrawal would conclude the need for the Planning Commission to engage further proceedings regarding the SLUP;

**NOW THEREFORE, IT IS RESOLVED**, that the Applicant's withdrawal is accepted; that all special permissions allowed by the SLUP are terminated; that no further proceedings regarding revocation are necessary; and that effective this date the SLUP shall be of no further force or effect .

Dean Schmaltz raised the question about procedure and read Section 13.06 B. of the Zoning Ordinance that requires the Planning Commission to hold a public hearing in the process of revoking a Special Land Use Permit. Chairman David Schultz reported that Township Attorney, Charlie Ammeson had explained that since the termination of the SLUP is voluntarily initiated by the holder of the SLUP, Mark Schutze, there is no requirement to hold a public hearing on the matter.

David Schultz asked for a motion to adopt the resolution. Brenda Troxell noted a correction needed in the listing of the property ID number as follows 11-02-0036-0014-00-7.

Brenda Troxell moved to accept and adopt the resolution with the correction of the Tax ID number. Dennis Krotzer seconded the Motion.

**Roll Call vote to accept the voluntary termination of the current SLUP for NIMBY Pond snowmobile races by resolution;**

**Ayes:** Barbara Sukys, Dennis Krotzer, Peter Van Vooren, Dean Schmaltz, David Schultz, Brenda Troxell, and Tom Shafer.

**Nays;** None, **Absent;** None, **Abstain;** None. The motion carried and resolution declared adopted.

Mark Schutze asked what the time frame for making an application would be. It was explained that he will work with Zoning Administrator, Jim Pheifer, and when it is determined his application is complete it will be brought before the Planning Commission for consideration.

After brief discussion about neighborhood matters Chairman David Schultz adjourned the meeting at 6:53 p.m.

The next Planning Commission meeting is scheduled for Monday February 10, 2020 at 6:30 p.m.

Wendie Shafer  
Baroda Township Planning Commission Secretary

\* attached 1-7-2020 Letter from Michael Bell, Attorney for Mark Schutze Voluntarily withdrawing SLUP for NIMBY Pond.