



1575 142<sup>nd</sup> Ave, Dorr, MI 49323  
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## MEMORANDUM

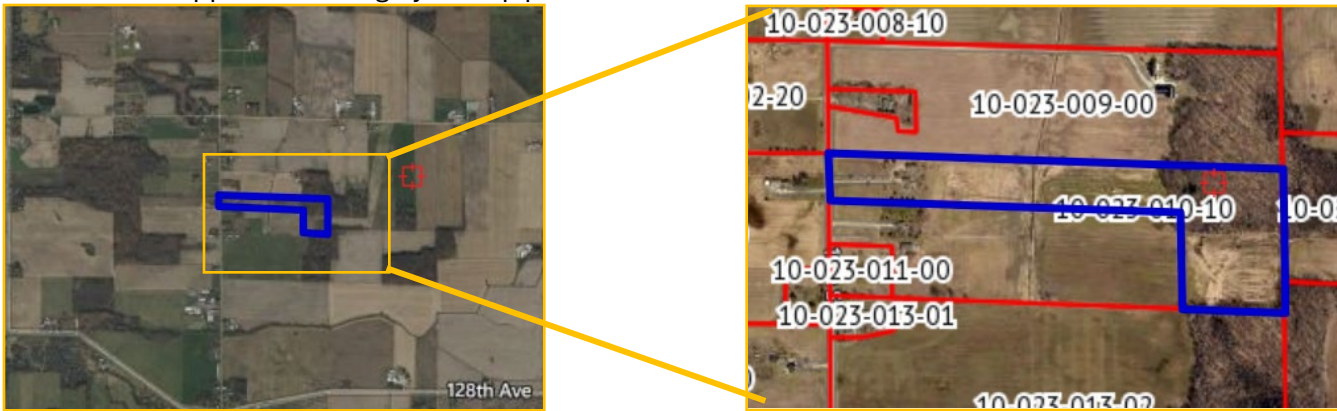
<b>TO:</b>	Hopkins Township Planning Commission
<b>FROM:</b>	Lori Castello, Zoning Administrator
<b>DATE:</b>	February 11, 2025
<b>RE:</b>	Special Use Permit Hearing- Pedro and Kristie Carbajal (Simple Tree Services LLC)

The Planning Commission is scheduled to hear a request from Pedro and Kristie Carbajal, owners, to operate a family run tree service as a Type B Home Occupation in the Agricultural Zoning District.

## GENERAL OVERVIEW

### Property Information

The property addressed as 2925 16<sup>th</sup> St, also known as Permanent Parcel 03-10-023-010-10 resides on the east side of 16<sup>th</sup> Street south of 130<sup>th</sup> Ave. and comprises approximately 24.35 acres. It is currently zoned Agricultural and neighbored by Agriculturally zoned properties. The general area hosts rural residential homes on large tracts of land that appear to be largely in crop production.



*Aerial photos: Eagleview Explorer, 2024*

### Request Information

The Carbajal’s proposal is to construct an addition to an existing accessory building on the property to store trucks and other small equipment in, and to operate a tree service business from the property. The operations would include office work and storage of their equipment.

### Information provided by the Applicant

The applicant has provided an application for a Special Use Permit and a basic site plan. The applicant states that the business will be a “Family Business” to be operated solely by the property owners with no additional employees.

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## RELEVANT LANGUAGE

### § 157.053 HOME OCCUPATIONS.

*(D) Type B home occupations. The following home occupations are considered Type B home occupations and may be allowed by special use in the Agricultural, R-1, R-1 A, R-2 and R-3 Zoning Districts by approval of the Planning Commission as a special use in accordance with §§ 157.345 through 157.350 of this chapter:*

*(2) A home occupation involving one or more non-resident workers and/or one involving workers using the site as a regular base of operation for work or service provided off-site. The Planning Commission may authorize additional associates, employees or assistants (who do not reside within the dwelling) where such persons by way of their activities and interaction on site would not cause traffic congestion or parking problems or otherwise materially change or impair the residential character of the neighborhood or lead to the creation of a spot business zone/site, subject to the following review standards in addition to those in Section E.2 below:*

*(a) No outdoor storage of supplies, equipment or inventory shall be permitted unless it cannot be reasonably stored within a building or structure.*

*(b) If outdoor storage is permitted due to limitations per item (a) above, any outdoor storage of inventory, supplies or equipment shall be permitted only within a defined yard area indicated on the site plan, and located behind the building in which the business is operated and shall be adequately screened from view from adjoining parcels and the roadway.*

*(c) The number of employees shall be reviewed by the Planning Commission and adequate off-street parking for each employee must be provided within the applicant's site plan.*

*(E) Conditions for approval.*

*(1) In considering any Type B home occupation for approval, the Planning Commission shall consider and make findings upon the following standards:*

*(a) Whether the home occupation is incidental and secondary to the use of the premises as a dwelling; The proposed business will be run out of a proposed addition to the rear of the pole barn and the applicant has stated that the purpose of the addition is to store trucks and other equipment related to the business within the structure.*

*(b) Whether the nature of the home occupation is substantially in keeping with the residential or other permitted use of the property such as farming; The proposed on-site usage is only storage of the equipment for the business is proposed to be within the accessory dwelling, no additional employees or activity will be taking place on site. If any equipment is proposed for outside storage, the applicant should verify the location, size and type of equipment along with any additional screening plans.*

*(c) Whether the likely effects of the home occupation upon adjacent and nearby lands would be within the scope of the effects likely to result from other uses permitted and occurring in the district and similar home occupations that are specifically permitted in this section; and The nearest (unassociated) dwellings to the north and south of the accessory building addition are more than 300 feet away.*

*(d) Whether the home occupation will have appreciable adverse effects upon adjacent and nearby lands and the uses thereof. (See above items b and c)*

*(2) In approving any such land use, the Planning Commission may impose restrictions and limitations on the use, relating, but not limited to, in consideration of the following:*

*(a) Hours of operation; The applicants have not proposed hours of operation, this should be discussed with the applicant at the Planning Commission Meeting.*

(b) *The floor area of the use;* The applicants have not decided how large of an addition that they want to construct, or if the current building will be used for the tree business.

(c) *The area, height, bulk and location of any accessory building;* The height of the structure is not noted in the application materials, however the existing building was legally constructed and any additions would be required to meet the bulk standards for accessory buildings within the Agricultural Zoning District.

(d) *Whether the storage or display of goods, inventory or equipment will be visible from outside the dwelling or an accessory building;* Applicant should verify proposed location for any outdoor storage of equipment or materials, and if any, a method for screening the outdoor storage area from the street or adjacent properties.

(e) *The number of permitted associates, employees or assistants whether working on-site or performing duties principally located off-site;* The applicant has implied they will be running the business with no additional employees however that should be verified and discussed.

(f) *The manner of storage or use of combustible toxic or hazardous materials on the premises;* Applicant should verify what is being stored in the addition and existing pole barn, and if any combustible or hazardous materials are proposed, provide a list and rough location to HAFD for potential hazard mitigation in case of an emergency.

(g) *Whether there will be any offensive noises, vibrations, smoke, dust, odors, heat or glare noticeable at or beyond the property line, or whether there will be machinery or electrical activity that will interfere with nearby radio or television reception;* The applicant's request is basically for storage. The only activity taking place on site will be travelling to/from the property and storage.

(h) *Effects on motor vehicle and/or pedestrian traffic;* Applicant plans to use existing driveway on site.

(i) *The amount of off-street parking provided, and the location thereof;* The site plan doesn't indicate any additional proposed parking areas; however both the home and barn are located approximately 400 feet from the road with a common drive that splits about 350 feet back, allowing for parking and maneuvering space as-is.

(j) *An approved site plan per the discretion of the Zoning Administrator or Planning Commission; and* The proposed site plan does not indicate the building addition size, however the size of the parcel and location would allow for a large addition to be completed with the Planning Commission's approval.

(k) *All Type B special use home occupation business permits are revocable, with notice to owner and after a show cause hearing by the Planning Commission.*

*(Ord. 2-2014, passed 8-11-2014) Penalty, see § 157.999*

### **157.345 Intent and purpose (Special Use Permits)**

*The provisions of this subchapter are intended to set forth the procedures and standards that are applicable to certain land uses, structures or activities classified as special uses. Due to their unique characteristics relative to other uses, special uses shall not be permitted without review and may warrant restrictions or conditions by reasons of their uniqueness or the special problems presented by the use in a particular location or in relation to neighboring properties and/or the community as a whole.*

### **157.349 (A) - GENERAL STANDARDS. (FOR SPECIAL USE PERMITS)**

*In addition to specific standards which may be applicable, the following set of standards shall serve as the basis for decisions involving the issuance of special use permits, and other discretionary decisions required to be passed under this subchapter.*

*(B) The proposed use shall:*

(1) *Be compatible with adjacent uses of land;* The area is surrounded by land within the Agricultural Zoning District. Most of the properties in the immediate area are working farms and single-family residences. From the exterior, the Planning Commission may find that the appearance would be compatible provided that the applicant can demonstrate that any storage of materials or equipment is properly screened from the roadway and adjacent properties.

(2) *Be consistent with and promote the intent and purposes of this Ordinance;* The purpose and intent of the Agricultural district is for large tracts of land used for farming, animal husbandry, dairying, horticultural or other agricultural activities. (section 157.065)

(3) *Be compatible with the natural environment*; The Planning Commission may determine that with limited outdoor storage and appropriate screening that the home occupation could be operated in compatibility with the natural environment.

(4) *Be consistent with the capacities of public services and facilities affected by the proposed use*; The Planning Commission may find that the property is located on 16th St., a paved road that is designed for regular use and the addition of traffic generated by the home occupation as presented would not cause excessive wear and tear over the existing vehicular and farming traffic.

(5) *Protect the public health, safety and welfare*. The Planning Commission may find that the additional traffic and equipment are not significant enough to cause potential harm to public health, safety and welfare, or it may find that the addition of this potential commercial operation detracts from the agricultural/rural community. The Planning Commission may apply conditions that might mitigate additional issues such as limiting or prohibiting outdoor storage, limiting number of associated vehicles, etc.

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## SUMMARY AND CONCLUSION

The above findings are based upon my review of the application. I encourage the Planning Commission to review the above standards and create a findings of fact dependent upon its collective review to support any decision to approve, approve with conditions, or deny the application before you. I would recommend the Planning Commission discuss in particular the following items with the applicant for clarification of the proposed Home Occupation and any conditions or parameters thereof, and include these items within the meeting minutes.

- The proposed and maximum number of non-resident employees
- Hours of operation
- Location of any outdoor storage including proposed size and screening
- Maximum size of structure(s)- existing or proposed- to be utilized in relation to the business
- List and basic storage locations of any potentially hazardous materials for FD knowledge

Attached please find a findings of fact worksheet to assist you in this process. I hope the above information is of value to you as you consider this Special Use Permit Application. If you have any questions, comments or concerns I welcome you to contact me by phone at 616-888-6156 or by email at [lcastello@pcimi.com](mailto:lcastello@pcimi.com).

Respectfully,



Lori Castello  
Zoning Administrator

**HOPKINS TOWNSHIP PLANNING COMMISSION  
FINDINGS OF FACT WORKSHEET  
SPECIAL USE/TYPE B HOME OCCUPATION**

**15.525 Sec. 12B.05 - GENERAL STANDARDS FOR SPECIAL USE PERMIT**

*In addition to specific standards which may be applicable, the following set of standards shall serve as the basis for decisions involving the issuance of special use permits, and other discretionary decisions required to be passed under this Ordinance. The proposed use shall:*

- (1) *Be compatible with adjacent uses of land;*

This use \_\_\_ complies \_\_\_\_\_ does not comply.

Reasons: \_\_\_\_\_  
\_\_\_\_\_

- (2) *Be consistent with and promote the intent and purposes of this Ordinance;*

This use \_\_\_ complies \_\_\_\_\_ does not comply.

Reasons: \_\_\_\_\_  
\_\_\_\_\_

- (3) *Be compatible with the natural environment;*

This use \_\_\_ complies \_\_\_\_\_ does not comply.

Reasons: \_\_\_\_\_  
\_\_\_\_\_

- (4) *Be consistent with the capacities of public services and facilities affected by the proposed use;*

This use \_\_\_ complies \_\_\_\_\_ does not comply.

Reasons: \_\_\_\_\_  
\_\_\_\_\_

*and*

- (5) *Protect the public health, safety and welfare.*

This use \_\_\_ complies \_\_\_\_\_ does not comply.

Reasons: \_\_\_\_\_  
\_\_\_\_\_

*(E) Conditions for approval.*

*In considering any Type B home occupation for approval, the Planning Commission shall consider and make findings upon the following standards:*

- (a) *Whether the home occupation is incidental and secondary to the use of the premises as a dwelling*

This use \_\_\_ complies \_\_\_\_\_ does not comply.

Reasons: \_\_\_\_\_  
\_\_\_\_\_

- (b) *Whether the nature of the home occupation is substantially in keeping with the residential or other permitted use of the property such as farming:*

This use \_\_\_ complies \_\_\_\_\_ does not comply.

Reasons: \_\_\_\_\_  
\_\_\_\_\_

- (c) *Whether the likely effects of the home occupation upon adjacent and nearby lands would be within the scope of the effects likely to result from other uses permitted and occurring in the district and similar home occupations that are specifically permitted in this section;*

This use \_\_\_ complies \_\_\_\_\_ does not comply.

Reasons: \_\_\_\_\_  
\_\_\_\_\_

*And*

(d) *Whether the home occupation will have appreciable adverse effects upon adjacent and nearby lands and the uses thereof.*

This use \_\_\_ complies \_\_\_\_\_ does not comply.

Reasons: \_\_\_\_\_  
\_\_\_\_\_

**PETITION TO THE HOPKINS TOWNSHIP PLANNING COMMISSION**

MEETING DATES ARE THE 4<sup>TH</sup> TUESDAY OF JANUARY, APRIL, JULY AND OCTOBER AT 7:30 PM IN THE HOPKINS VILLAGE/TOWNSHIP HALL 128 S FRANKLIN STREET.

P.U.D. ZONING \_\_\_\_\_ REZONING \_\_\_\_\_

CLASS II SPECIAL USE PERMIT \_\_\_\_\_ OTHER \_\_\_\_\_

Petitioner Pedro and Kristie Carbajal  
Address 2925 16<sup>th</sup> St Telephone Number 616 550 8243

Site Address (if different than above)  
\_\_\_\_\_

Petitioner is the Property:  Owner  Contract Purchaser  Tenant  Other \_\_\_\_\_

Name of Parcel Owner(s) (if different than petitioner) \_\_\_\_\_

Acreage 24 Parcel Tax ID 10-023-010-10

Current Zoning agricultural Tax Classification \_\_\_\_\_

Any past or present violations of zoning, building, health, blight, nuisance or other laws? no

If yes please explain: \_\_\_\_\_

How many dwellings are on this parcel? 1

Parcel History \_\_\_\_\_

Nature of Surrounding Neighborhood is: farmland

If my petition is granted, I intend to do the following:

store a couple trucks and other small equipment in the pole barn and under the carport structure  
The effect on the surrounding neighborhood will be: none

Type B Home Occupation January 28

Describe any facts or circumstances which justify the petition: Having our small, family-run tree service run out of our home will not negatively affect neighbors and will not contribute to any appreciably greater traffic or noise

Describe any written materials the Planning Commission should examine: \_\_\_\_\_  
\_\_\_\_\_

**YOU MUST SUBMIT A SITE PLAN CLEARLY DESIGNATING THE NATURE AND LOCATION OF THE PROPOSED USE OF THE PROPERTY**

Planned Construction: Type carport type structure  
Cost \$ \$6,000-12,000  
Start Date ? Mar 2025  
Finish Date ? Apr 2025

Petitioner swears and affirms the information provided (including exhibits and statements at the Board hearing) is accurate and complete to the best of his/her knowledge and belief. Petitioner understands that any intentional or negligent misrepresentation or significant change of plans in connection with this petition is grounds for the immediate revocation of any favorable action taken by the Board. Petitioner understands that the hearing fee is non-refundable.

Date 11-15-24 Petitioner's Signature 

**DO NOT WRITE BELOW THIS LINE--FOR TOWNSHIP USE ONLY**

Submitted:  Health Dept. Permits  Survey  Site Plan  
 Blue Prints  Photo/Video  Other

Hearing Fee Paid  Date  Check  Cash

Hearing Date  Publication Date

Copies Sent to P.C. Members

Surrounding parcel-owner notices prepared and sent

Original in Binder

Other Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



trees

← proposed  
carport/shelter  
for add'l storage  
—  
increase of size  
permitted

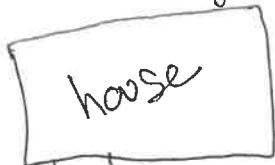
neighbor  
#2

trees



60'

40'



house

2925 16<sup>th</sup> St

trees →



2921  
16<sup>th</sup> St  
neighbor

driveway to house

16<sup>th</sup> St

neighbor #3



Hopkins Township  
142 E. Main St. Hopkins, MI 49328  
Planning Commission  
Notice of Public Hearing

Notice is hereby given that pursuant to PA 110 of 2006, the Michigan Zoning Enabling Act, the Hopkins Township Planning Commission will hold a regular meeting and Public Hearing on Tuesday, February 25, 2025, at 7:30 p.m. at Hopkins Township Hall, 128 South Franklin, Hopkins MI, 49328.

The following items will be heard, considered, and possibly have action taken upon them:

1. A request for Special Use from Pedro and Kristie Carbajal, owners of 2925 16<sup>th</sup> St, also known as parcel number 03-10-023-010-10, to operate a Type B home occupation in the Agricultural Zoning District per Section 157.03 of the Hopkins Township Zoning Ordinance.
2. Any other such items as come properly before the Planning Commission.

PLEASE TAKE FURTHER NOTICE that Hopkins Township will provide necessary, reasonable auxiliary aids and services at the hearing to individuals with disabilities upon five (5) days written notice to the Township Clerk at PO Box 217, Hopkins, MI 49328, by phone 269-806-7547 or by email to [clerk@hopkinstownship.org](mailto:clerk@hopkinstownship.org).

A copy of items summarized herein are available for viewing online at [www.hopkinstownship.org](http://www.hopkinstownship.org).

HOPKINS TOWNSHIP CLERK  
STACEY TIMMER  
269-806-7547

<b>Parcel ID</b>	<b>Owner</b>	<b>Property Address</b>	<b>Owner Address</b>	<b>City</b>	<b>State</b>	<b>ZIP</b>
10-022-002-20	DAVID DUANE F. & ERIN J.	2944 16TH ST	2944 16TH ST	HOPKINS	MI	49328
10-022-004-00	YBEMA JOHN & ANN C TRUST	2846 16TH ST	2922 16TH ST	HOPKINS	MI	49328
10-023-005-00	VEENSTRA RONALD & DENISE	130TH AVE	1365 130TH AVE	HOPKINS	MI	49328
10-023-009-00	BLAAUW PROPERTIES LLC	2949 16TH ST	2949 16TH ST	HOPKINS	MI	49328
10-023-009-10	LACOURSE DAVID & MICHELLE	2941 16TH STREET	2941 16TH STREET	HOPKINS	MI	49328
10-023-010-00	BROWER KELLY & JENNIFER	2921 16TH ST	2921 16TH ST	HOPKINS	MI	49328
10-023-010-10	CARBAJAL PEDRO & KRISTIE	2925 16TH ST	2925 16TH ST	HOPKINS	MI	49328
10-023-011-00	BROWER KYLE J & MARILYN J	2915 16TH ST	2921 16TH ST	HOPKINS	MI	49328
10-023-012-00	VEENSTRA RONALD & DENISE	130TH AVE	1365 130TH AVE	HOPKINS	MI	49328
10-023-013-02	BLANK JOHN	16TH ST	1459 130TH AVE	HOPKINS	MI	49328
10-023-014-00	SCHUURMANS SYBREN & FROUKE	2869 16TH ST	2869 16TH ST	HOPKINS	MI	49328