

**Barry County Planning Commission
Minutes
April 23, 2018**

The meeting was called to order at 7:00 p.m. by Clyde Morgan in the Community Room of the Tyden Building located at 121 South Church Street in Hastings, Michigan. The Planning Commission members in attendance included: Morgan, Levi Bolthouse, Jack Miner, Robert Vanderboegh, and Jack Nadwornik. Michael Barney and Ben Geiger were absent. Those also in attendance included: Gerald Davidson, Charles McCarty, Dave Van Hamman, Rusty Bible, Barry County Planning Director James McManus, and many other interested people.

Motion by Miner to approve the agenda as printed. Support by Bolthouse. All ayes - motion carried.

The minutes of April 10th, 2018 were reviewed by the Planning Commission. On page 7, Vanderboegh noted the fence should be listed as 6 feet instead of 4 feet. Motion by Nadwornik to approve the minutes as corrected. All ayes - motion carried.

BUSINESS

Morgan explained the procedures of a public hearing.

Special Uses

Case No. SP-4-2018

Jeffrey Davidson/Gerald Davidson

Morgan recessed the Planning Commission, opened the public hearing, and asked Davidson to present the request.

Chad Spencer, an attorney representing Davidson, said Davidson would like to operate a restoration business. He said he would dismantle cars and sell the parts. He noted that it is defined as a junkyard in the ordinance. He noted 95% of his business is sold online or at swap meets.

Spencer continued that there is very little traffic on site, and Davidson will take care of any chemicals and oils. He said Davidson has an enclosed building with a concrete floor. He noted he has talked with the DEQ to get the environmental guidelines. He noted Davidson will be assigned a site number, and he noted Davidson has lived there for over 30 years.

Morgan asked if anyone wished to speak in favor of the request. There was no response.

Morgan asked if anyone was opposed. Mike Timmons, township supervisor, said the use was incompatible with adjacent properties. He said Davidson cannot meet the 200 feet setback requirement from a residential property. He said the state has not approved it yet. He said he was concerned about landscaping and parking.

Spencer rebutted by stating that the off-street parking is not an issue as most of the activity takes place off-site. He said they will be applying for a state license.

Davidson noted the neighbors did not express a concern, and he can place the materials behind a fence. He said the township should not have an influence on the decision. He noted he is a good neighbor and is quiet. He said he has spent a lot of money to do the right thing. He said he recycles everything.

Spencer said the volume of material will be limited. Davidson said it is more of a salvage operation.

Morgan closed the public hearing and reconvened the Planning Commission.

Morgan asked if the request was an enforcement issue. McManus said yes, and noted it took a while for Davidson to submit his paperwork due to a delayed survey.

Bolthouse asked how many vehicles Davidson would have. Davidson said 15 to 20. Bolthouse asked about parts storage. Davidson said the parts either go into the barn or are being shipped. He noted he has several personal vehicles, and he tries to keep the property neat.

Miner asked what the personal vehicles were. Davidson said three pick-ups, a car hauler, and others.

Miner asked if they were all licensed. Davidson said yes.

Miner asked how many vehicles on-site did not have a license. Davidson said 15-20.

Miner asked what Davidson classifies as an antique car. Davidson said 1974 or older. Miner asked how many of the cars would be antique. Davidson said seven or eight. Miner noted there were some materials on the property that appeared to be junk. Davidson commented that they had recently sold their parents' house, and they had a lot of accumulated materials. He noted much of it will be sent to Padnos. Miner asked how long it would take to remove the junk. Davidson said a month or two. Miner noted the property does not meet the ordinance requirements. Miner asked if it could be removed so the request can be reconsidered. Davidson said it will take some time. He noted the large pile under the tarp will be leaving.

Vanderboegh asked if it could be grandfathered. McManus said no; the 1976 ordinance also required a special use.

Morgan noted the site was established prior to 1994. He noted some of the materials on-site are not valuable.

Morgan asked how many acres Davidson owned. Davidson said 2.37 acres.

Morgan noted the setback cannot be met.

Nadwornik asked what the zoning was. McManus said RR.

Bolthouse asked what was valuable. Davidson said certain parts of specific cars have value. Bolthouse asked how often scrap was taken to a recycler. Davidson said every month. He noted the parts are taken to an 80-acre scrap meet.

Bolthouse asked how many trailers full of parts are on-site. Davidson said about two.

Morgan said some of the vehicles had been there a while. He asked about leaking fluids.

Davidson said he removes the fluids, oils, and the gas tank when a car is brought in.

Morgan asked about any antifreeze. Davidson said it is recycled in Battle Creek.

Morgan asked if Davidson still used a rotisserie in the cars. Davidson said not in a while.

Morgan noted a similar operation was approved further south on M-66, and the Commission has approved an airplane salvage yard; but he noted he is required to go by the ordinance.

Motion by Miner to deny Case No. SP-4-2018 per Section 2302 A. part 1 of the Barry County Zoning Ordinance. Support by Nadwornik.

Discussion: Morgan read the definition of a junkyard. Vanderboegh felt bad that the business was his livelihood. Miner suggested tabling the request for further information on the setbacks. McManus noted the Zoning Board of Appeals would have to decide that.

Roll call vote taken: 5 ayes - 0 nays - motion carried. Special Use denied.

Case No. SP-5-2018

Charles & Sherry McCarty

Morgan recessed the Planning Commission, opened the public hearing, and asked McCarty to present his appeal.

McCarty said they had received a special use for their parents to live in a single-wide mobile home. He noted they have both passed away, and they titled the trailer to him. He noted it has its own septic, but the well and power is shared with the house.

Morgan asked if anyone wished to speak in favor of the request. There was no response.

Morgan asked if anyone was opposed.

Al McCarty noted there was an agreement that the trailer would be moved when it was no longer needed. He noted it is very close to their home.

Marsha McCarty said it was good for the parents, but it was agreed that it would be removed when they passed away. She said it is close to the road. She said if they thought it would be there for a longer term, it may have had a different location. She said it is an older trailer.

Nicole McGregor rebutted by saying the home has been there for ten years, and it is in line with the home. She noted it has remained occupied.

McCarty said the neighbors have a trailer and junk on their property.

Morgan closed the public hearing and reconvened the Planning Commission.

Bolthouse asked why the request was being made. McManus noted the old supplemental housing ordinance was primarily for needy parents, while today's ordinance is a more permanent use.

Morgan asked about the addition. McCarty said it is a porch enclosure. Morgan said he was concerned about the setback.

Nadwornik asked what the lot width was. McCarty said almost 500 feet.

Morgan said he was concerned about continuing the use. He noted the trailer could be there forever. He questioned if there should be a time limit, and asked what it might look like in 30 years.

Vanderboegh noted there is no time limit in the ordinance.

Miner said accessory dwellings are not intended to be single wide mobile homes. McManus noted this was a rehearing because it was already there, and they are looking to continue the use.

Morgan said other approved trailers are still being used even after the parents have passed away.

Bolthouse said a trailer was permitted two years previous.

Miner asked if single wides are permitted today. McManus said no, but he said this was a pre-existing structure.

Morgan asked how large the trailer was. McCarty said 14x80.

Motion by Vanderboegh to approve Case No. SP-5-2018 per Section 2302 A. parts 1-7 of the Barry County Zoning Ordinance. Support by Bolthouse.

Discussion on the motion: Morgan questioned just because the trailer is there, it is alright?

Roll call vote taken on the motion: Vanderboegh-aye - Nadwornik-nay - Miner-nay - Bolthouse-aye - Morgan-nay. Motion failed.

Motion by Miner to deny Case No. SP-5-2018 per Section 2302 A.1. Support by Morgan. Roll call vote taken: 4 ayes - Vanderboegh-nay - motion carried. Special Use denied.

Case No. SP-6-2018

Circle Pines Center

Morgan recessed the Planning Commission, opened the public hearing, and asked Circle Pines Center to present their request.

Tom Van Hamman, representing Circle Pines Center along with Sasha Spina, said the permit for the Buttermilk Jamboree has been active since 2011. He noted the permit allows 2,000 people, but the best year was 1,649 attendees. He noted they would like to increase the limit. He said there are 290 acres or more. He said they have camp space for 1,000 people, and they get lots of day commuters. He said the crowds have been well-behaved, and they have no incidents. He said they have had one complaint about the musical noise. He said 20% of the visitors are children.

Morgan asked if anyone wished to speak in favor of the request. There was no response.

Morgan asked if anyone was opposed.

Robert Jones asked how many total people would be at the event. Van Hamman said they would like to increase the capacity to 2,500 or 3,000. He noted he gets a special campground permit as well as health approval. He noted they thought they would have had 2,000 attendees by now.

Van Hamman said they have been supported by the Council of Arts and Cultural Affairs.

Morgan closed the public hearing and reconvened the Planning Commission.

Nadwornik said he is not aware of any problems except some minor traffic issues. He noted that he has not heard the music from the event.

Morgan asked about the acreage. Van Hamman said they have 294 acres, but they only use 20 for the festival.

Vanderboegh suggested increasing the capacity in step fashion. He said to limit it to 2,500 for the next five years, and increase it to 3,000 for the following five years.

Morgan asked where Jones lived. Van Hamman said Jones lives near the northwest corner of the property.

Morgan asked about people crossing the road. Van Hamman said they use yellow flashers and barriers to warn drivers.

Morgan asked how many campers could be on-site. Van Hamman said 1,000.

McManus noted the Jamboree was approved in 2011 and came back after two years, and this review was the five-year review. He asked if the Planning Commission wanted to continue to review the project.

Miner suggested a time limit or a serious-issue-trigger could be the standard for review. Nadwornik asked what serious issues would be defined as. Miner suggested a police issue with charges filed. Miner suggested a ten-year review with the capacity increases as described by Vanderboegh.

The Planning Commission discussed what a serious issue might include. It was ultimately determined this an arrest for cause.

Motion by Vanderboegh to allow the continuation of the Buttermilk Jamboree with the stipulation that a review be conducted after ten years or if a serious issue such as an arrest for cause occurs, and that the capacity of the event be increased to 2,500 for the years between 2018 and 2022 and to 3,000 for the years from 2023 to 2027.

Support by Miner. Roll call vote taken: 5 ayes - 0 nays - motion carried.

Case No. SP-7-2018

Rusty & Sarah Bible

Miner recused himself from the hearing.

Morgan recessed the Planning Commission, opened the public hearing, and asked Bible to present the request.

Bible said he would like to build a personal home and an accessory dwelling/apartment attached to a garage. He said the accessory dwelling will be used by family members.

Morgan asked if anyone wished to speak in favor of the request. There was no response.

Morgan asked if anyone was opposed. There was no response.

Morgan closed the public hearing and reconvened the Planning Commission.

Bolthouse asked how large Bible's parcel was. Bible said 5.4 acres. Bible noted he owned an adjacent five acres.

Vanderboegh asked if this would be new construction. Bible said yes.

Morgan asked how large the accessory dwelling would be. Bible said 1,000 square feet. He said there would be a porch.

Nadwornik verified the accessory dwelling would be attached to the garage. Bible agreed. Nadwornik asked about the porch. McManus noted an un-enclosed porch will be an accessory use.

McManus noted a duplex could be permitted in the HDR, but Bible wanted separation between the dwellings.

Motion by Nadwornik to approve Case No. SP-7-2018 per Section 2302 A. parts 1-7 of the Barry County Zoning Ordinance. Support by Vanderboegh. Roll call vote taken: 4 ayes - 0 nays - motion carried. Special Use approved.

Farmland Agreement

#18-06

Mr. & Mrs. Jason R. Scramlin

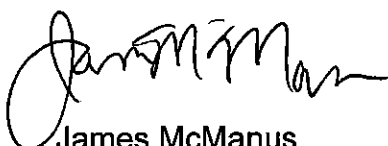
McManus noted that the parcel was zoned RR and planned Rural Conservation. It was noted the parcel was 20 acres in size.

Motion by Miner to recommend approval of Farmland Agreement #18-06 to the Board of Commissioners. Support by Vanderboegh. All ayes - motion carried.

Motion by Vanderboegh to adjourn. Support by Bolthouse. All ayes - motion carried.

Meeting adjourned at 9:05 p.m.

Respectfully submitted,



James McManus