

**Barry County Planning Commission  
Meeting Minutes  
March 22, 2021**

The meeting was called to order at 7:00 p.m. by Chairperson Clyde Morgan via a Zoom format. The Planning Commission members participating in the meeting included: Morgan, Vivian Conner, John LaForge, Jack Miner, Jack Nadwornik, Joyce Snow, and Robert Vanderboegh. Those also participating included: Jon Raymond, John Lieb II, Barry County Planning Director James McManus, and other interested people.

Morgan asked if the agenda had any corrections or additions. McManus said the agenda needed to be amended to add the extension of Joyce Snow to the Parks & Recreation Commission until August.

Motion by Nadwornik to approve the agenda as amended. Support by Conner. All ayes - motion carried.

The Minutes of February 08, 2021 were reviewed by the Planning Commission. On Page 3, Morgan asked to add the word "vehicles" after the word fire. Motion by LaForge to approve the Minutes as corrected. Support by Miner. All ayes - motion carried.

The Minutes of February 22, 2021 were reviewed by the Planning Commission. Motion by Nadwornik to approve the Minutes as written. Support by Miner. All ayes - motion carried.

**BUSINESS**

Morgan explained the procedures of a public hearing.

**Rezoning**

**Case No. A-1-2021**

**Jon Raymond  
Kay-D Development**

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

Raymond said he would like to rezone the property from CR to RR so that he can build a private road to serve (7) parcels. He thought his proposed sites met the RR requirements.

McManus agreed but noted the request was to rezone property from Conservation Reserve (CR) to Rural Residential (RR), and he noted only the rezoning was up for review.

Morgan asked if anyone wished to comment on the request.

Wayne Conard, who lives across the road from the site, said he was opposed to the rezoning. He was concerned about increasing taxes and changes to wildlife and deer movement. He noted he likes to target-shoot and questioned if that would be affected. He asked if the area of rezoning could be lessened.

Brian Pappas was opposed to the request. He said the property is in a conservation program. He questioned if the new houses would affect hunting.

Sara Syswerda, who lives in the area, said she was opposed to the request. She noted the water from that property drains through her property. She said there are significant wetlands on the property that contain rare and protected species.

McManus read a letter from Steve and Michelle Pappas in opposition to the request.

Morgan asked if the Planning Commission members had any questions.

Conner noted there was lots of undeveloped land in the area for wildlife. She noted the 450 ft setback for shooting is for hunting, not target practice.

Conner asked if the property is in conservation. Raymond said it was incorrectly listed by the realtors. Raymond said he will not be touching the wetland.

Snow noted the Master Plan promotes the retention of environmental and natural areas. She noted he could add housing in other areas. Raymond noted the property is wooded and wetland, and he noted the wetland will not be touched. He said there is no farm ground on the property.

McManus noted the property was zoned Conservation Reserve because the county was aware the owners were looking to preserve their property with a conservancy. He noted this parcel was not included in the conservation easement, and the owner allocated (7) divisions to Raymond out of their total of 17. He noted the CR zoning has a minimum of 20-acre parcels, while the RR zoning has a one-acre minimum.

LaForge summarized the request as a map correction to a county-initiated zoning classification.

Conner asked about the splits. McManus noted the property in question was an approved land division that transferred (7) split rights.

McManus commented that the request will be forwarded to the Board of Commissioners no matter what the Planning Commission recommends.

Motion by LaForge to recommend approval of Case No. A-1-2021 to the Board of Commissioners. Support by Miner.

Roll call vote taken: Conner, LaForge, Miner, Nadwornik-aye - Morgan, Snow, Vanderboegh-nay - motion carried.

### Special Use

**Case No. SP-3-2021**

**John Clarence Lieb II (Property Owner)**

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

Lieb said he wanted to repair vehicles, but he would not be open to the public. He said he still has a full-time job but he wants to transition to working at home. He understood that the property was overrun, but he said his father passed away in November, and he had to care for him. He said he knows how to handle fluids, and he wants to provide for his family.

Morgan asked if anyone wished to comment on the request.

Tom Beuchler, a neighbor, had a number of documents sent to the Planning Commission. He noted a complaint about the property has been in place since January 2020. He said the property is a junkyard, and there is a lot of scrap in the area. He said Lieb does not have insurance and questioned if Lieb would comply with any regulations if he were approved. He referenced the submitted photos and a petition signed by 60 people asking that the request be denied.

Jared Sella, a neighbor, was concerned about Lieb adhering to laws and ordinances. He said the tires can be an issue. He questioned if the business could be operated properly.

Theresa Allen was concerned about the environmental impacts.

Matthew, who lives in the area, said Lieb is not handling the materials properly. He questioned the licensing requirements and he noted Lieb should know the disposal rates.

John Rabbit said he was concerned about fluids leaking on the ground. He said the property is an eyesore.

Lieb rebutted and said that he has reached out to proper disposal folks and he noted the tires are scheduled to be removed. He said any excess antifreeze can go to Waste Management, and used oil can be returned anywhere.

He said he ultimately wants to use the land for hunting and he wants his neighbors to be happy with the site.

Morgan closed the public hearing and reconvened the Planning Commission.

Conner asked what kinds of repairs would be done and what certificates does Lieb have. Lieb said he would buy cars at auction, repair them, and sell them back to the auction. Conner noted there were several cars with expired tags. Lieb said two cars will be removed. Conner asked if Lieb was a certified mechanic. Lieb said no, but he noted certifications are not required for flipping cars to auctions.

Vanderboegh suggested tabling the request so that Lieb can improve the property and obtain the proper certifications.

Snow noted there were several junk cars on the property and there was a creek and wetland to the rear of the property. She also noticed jugs of oil, rusty paint cans, at least 100 tires, waste solvent, a refrigerator, and rusty gas/propane tanks on the property. She suggested the property be cleared up before an approval can be considered.

Miner asked if Lieb is a licensed mechanic. Lieb said he is not but he is brake certified. Miner asked if any other person from the Planning Department had visited the site. Lieb said no. Miner noted Jack Ward is an employee of the Planning Department.

Morgan commented that the hill was sandy and could easily percolate oil and gas into the groundwater. He asked about the hole in the ground. Lieb said there is nothing in it now.

Morgan noted the submitted pictures provide a lot of information about the condition of the site, and he noted removing tires is expensive.

Morgan noted some of the scrap shown in the pictures has been removed, but the property needs to be clean before an approval can be considered.

Morgan asked what Plan B was. Lieb said he would like the opportunity to clean the property.

Lieb countered and noted the tires will be removed. He said the A/C containers were a way for his sons to earn money. He said he had to take care of his father. He does not want his neighbors to see junk.

Morgan asked about the end loader. Lieb said it was for construction. Morgan asked about the picture of the tires in the hole. Lieb said his children had placed them in there, but they have been taken out.

Lieb said he wants to build a house on the hill.

Conner asked about any freon in the A/C tanks. Lieb said they are empty.

Morgan asked about the gas tanks. Lieb said they were empty and will be going to a scrap yard.

LaForge noted one issue is that many cars will not be sold, so he asked what the plan was for removing scrap. Lieb said he knows a person who hauls cars. Lieb said he knows he cannot store materials.

LaForge asked if the scrap would be outdoors. Lieb said he would store it indoors.

Motion by Vanderboegh to table the request to clean the property. Support by Snow.

LaForge asked to put a six-month time limit on the table.

McManus noted this is an enforcement issue so he asked for a four-month maximum. Vanderboegh agreed to the four-month stipulation. Snow supported.

Roll call vote taken: Conner, LaForge, Morgan, Nadwornik, Snow, Vanderboegh-aye - Miner-nay - motion carried. Special Use Tabled.

### **Parks and Recreation Appointment**

McManus noted Joyce Snow was appointed temporarily to serve on the Parks and Recreation Commission, but that appointment expired. He suggested extending it until July when the annual meeting takes place and yearly appointment can be made.

Motion by LaForge to appoint Joyce Snow to the Parks and Recreation Commission until July 2021. Support by Vanderboegh. All ayes - motion carried.

Morgan adjourned the meeting at 8:20 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Joyce Snow". The signature is written in black ink and is positioned above the typed name.

Joyce Snow, Secretary