

**Barry County Planning Commission
Meeting Minutes
July 26, 2021**

The meeting was called to order at 7:00 p.m. by Chairperson Clyde Morgan in the Community Room of the Tyden Center located at 121 South Church Street in Hastings. The Planning Commission members in attendance included: Morgan, Vivian Conner, Jack Miner, Jack Nadwornik, Joyce Snow, and Robert Vanderboegh. John LaForge was absent. Those also in attendance included: Mike Powers, Gary Golnek, Coleen Byrd, John Lieb II, Barry County Planning Director James McManus, and many other interested people.

Motion by Morgan to excuse LaForge. Support by Nadwornik. All ayes - motion carried.

McManus noted the agenda was amended to include an appointment to the Solid Waste Oversight Committee.

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

Motion by Vanderboegh to approve the minutes of June 28, 2021 as written. Support by Conner. All ayes - motion carried.

ELECTION OF OFFICERS

Chair – Vanderboegh nominated Clyde Morgan which was supported by Snow.

Conner made a motion to close nominations and cast a unanimous ballot. Support by Snow. All ayes - motion carried.

Vice-Chair – Morgan nominated Joyce Snow which was supported by Nadwornik.

Conner made a motion to close nominations and cast a unanimous ballot. Support by Morgan. All ayes - motion carried.

Secretary – Vanderboegh nominated Jack Nadwornik which was supported by Morgan.

Conner made a motion to close nominations and cast a unanimous ballot. Support by Morgan. All ayes - motion carried.

APPOINTMENTS

ZBA – Clyde Morgan volunteered to serve on the Zoning Board of Appeals.

Parks & Recreation Commission – Joyce Snow volunteered to serve on the Parks & Recreation Commission.

Barry County Conservation Easement Board – Robert Vanderboegh volunteered to serve on the Barry County Conservation Easement Board.

Solid Waste Oversight Committee – Vivian Conner volunteered to serve on the Solid Waste Oversight Committee.

Chairperson Morgan approved all the appointments as volunteered.

BUSINESS

Morgan explained the procedures of a public hearing.

Site Plan Review

TABLED Case No. PR-3-2021

**Michael Powers (Applicant)
Bay Corp, Inc. (Property Owner)**

Morgan asked for a motion to remove the Case No. PR-3-2021 off the table.

Miner noted there were not seven Planning Commission members present, and Nadwornik said there was a new document from the Department of Civil Rights that had not been reviewed.

Conner asked if the attorney had reviewed the document. McManus said no.

Motion by Vanderboegh to table Case No. PR-3-2021 until the August meeting. Support by Miner.

Roll call vote taken: 6 ayes - 0 nays - motion carried. Site Plan Review tabled.

Special Uses

Case No. SP-7-2021

Colleen Byrd (Reurink) (Property Owner)

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

Byrd said she wants a kennel license to be able to breed and raise dogs to sell. She noted she is not a confinement kennel. She said she breeds Australian Shepherds, and the dogs run around the yard. She said the dogs are well taken care of, and all of their medications are accounted for.

Morgan asked if anyone wished to speak in favor of the request.

Tiffany Reurink, Byrd's daughter, noted Byrd has donated dogs to veterans groups as service dogs. She noted the dogs are well socialized.

Morgan asked if anyone wished to speak in opposition.

Kendall Reese noted the dogs bark all the time. He said there has been as many 24 dogs on site. He said there is lots of trash, and it blows in the field.

John Meyers said he lives behind the kennel, and noted that there are many dogs, and they bark all the time. He said he cannot open his windows due to the barking. He noted there is a lot of trash in the woods.

McManus read a letter of support from Simmons and noted Meyers had submitted a letter of opposition.

Byrd rebutted by noting she does not have 24 dogs, but when she has puppies the numbers do go up. She said she is starting to house the dogs in the barn to lessen the barking. She noted other dogs in the neighborhood also bark.

Morgan closed the public hearing and reconvened the Planning Commission.

Miner asked how many adult dogs were there. Byrd said 14.

Miner asked how many litters are there in a year. Byrd said 5.

Miner asked if Byrd would retain any more adult dogs. Byrd said no.

Miner asked about the housing. Byrd said the pole barn has matting with three large kennels and two small pens. She noted there are two large yards outside.

Miner asked if the barn was insulated. Byrd said yes.

Miner asked how Byrd handles the animal waste. Byrd said it is boxed and placed by the road, or it is spread in the pasture.

Miner asked if the dogs are outside. Byrd said the puppies are outside all day, and the adults go out in the morning or at night.

Miner asked how many puppies were currently on site. Byrd said six.

Miner asked if this was an enforcement issue. McManus said yes.

Snow asked how far the runs were from the house. Byrd said the yard goes around the house.

Snow noted the runs should be 100 ft from the house.

Snow asked if the boxed waste was included in the trash. Byrd said yes.

Snow asked if she had a large dumpster. Byrd said she has a normal trash can.

Snow asked if a noise level survey had been done. Byrd said no.

Snow noted 60 decibels is the cap, and there can only be (4) hours of barking.

Snow asked how many female breeders Byrd has. Byrd said she has nine females, but she retires them from breeding at the age of 5.

Snow asked how large a litter size was. Byrd said between two and 12 puppies, but the average is 7-10.

Conner noted a dog knocked out a screen and came outdoors the entire time she was visiting the site.

Conner asked about ventilation. Byrd said there are fans in the building, and she leaves the door open.

Vanderboegh asked how often the trash is picked up. Byrd said once a week.

Vanderboegh noted any dog runs cannot be in a setback area.

Morgan asked about the playground. Byrd said it is for the dogs.

Nadwornik asked if the adult dogs bark. Byrd said they are outside until she goes to bed. Nadwornik asked if the dogs are left outside overnight. Byrd said the puppies stay outside.

Morgan asked how large the property was. Byrd said eight acres.

Morgan verified the number of dogs. Byrd said she had 14 adult dogs. Morgan asked how many litters there would be. Byrd said six per year.

Miner asked how many dogs Byrd's daughter had. Byrd said two additional dogs. Miner asked if these dogs would have puppies. Byrd said no.

Snow asked about the breeding process. Byrd said she does not start breeding the dogs until they turn two. She noted she does not breed them every time they go into heat; she will skip a cycle.

Snow asked about the males. Byrd said she often takes them to her work on a farm with her. Snow asked if the dogs were subject to inbreeding. Byrd said no; she has the dogs genetically tested.

Snow asked what was in the pole barn. Byrd said she has a separate pen area for the dogs as well as a grooming table.

Conner asked what Byrd does with the older dogs. Byrd said she tries to place them. Conner asked if any dogs were scheduled to have puppies. Byrd said two dogs are pregnant.

Conner asked how many dogs were over 5. Byrd said two dogs are older than 5. Conner asked what the life expectancy is for the dogs. Byrd said 12 years.

Vanderboegh asked how long Byrd worked during the day. Byrd said 8-10 hours.

Vanderboegh asked what the ratio of male-female dog was. Byrd said she has four males and ten females.

Morgan asked if Byrd advertises for the sale of the puppies. Byrd said yes and noted she donates some dogs to the military.

Vanderboegh suggested that Byrd meet with Animal Shelter Director Ken Kirsch about donating animals.

Snow asked how long Byrd had been breeding dogs. Byrd said five years. Snow asked how long she had lived in her home. Byrd said four years.

Morgan noted noise is an issue.

Conner stated dogs barked the entire time she was on site.

Morgan asked about stipulating the number of dogs. McManus noted Animal Control usually sets the limits for dogs. He noted having more than three dogs while receiving remuneration qualifies as a kennel under zoning. He noted a kennel license from Animal Control may not be able to be issued because Byrd is using her home as the kennel.

Conner asked how many dogs are currently licensed. Byrd said seven.

Conner asked if Byrd could comply with the ordinance. Byrd said yes.

Vanderboegh questioned what would happen if it was not approved. McManus noted it would be an enforcement issue, and Byrd would have to go back to three dogs.

Morgan asked what Byrd would do if it were denied. Byrd said she would probably move.

Motion by Nadwornik to deny Case No. SP-7-2021 per Article 23, Section 2302.A.1.-7. of the Barry County Zoning Ordinance of 2008, as amended. Support by Miner.

Roll call vote taken: 6 ayes - 0 nays - motion carried. Special Use denied.

Case No. SP-9-2021

Gary Golnek (Property Owner)

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

Golnek said he wanted to build a large pole barn that exceeds 150% of the size of a home. He noted he has antique vehicles, and he would like to have all of his vehicles in one location. He noted the property is five acres in size, so the building will not be overly visible. He said he intends to build the pole barn in the woods, and he will only selectively cut the trees. He said the pole barn is not on his house parcel.

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

Morgan asked if anyone was opposed.

Jason Newton noted he has more than 30 acres of land, and he is trying to get an easement. He was worried about the view of the building from his property. He wanted to know where it would be placed.

Joe Farley suggested the building is too big and the Planning Commission should remember that their decisions affect people.

Gerald Newton said the construction traffic could be an issue.

Golnek rebutted by saying that there has been some history between the Newton's and himself regarding access to Newton's property. He noted the road may be getting redone by the Drain Commissioner after a drain project is completed.

Morgan closed the public hearing and reconvened the Planning Commission.

Miner said the barn setback seems to be equivalent to the house setback. He asked how Golnek will access the barn. Golnek said he would use the existing drive and go around the house.

Miner asked if there was a curb cut on the parcel. Golnek said not yet.

Miner asked if Meadow Lane was a private or public road. Golnek said it is a public road.

Snow asked how large the lot was. Golnek said five acres.

Snow cited Article 23, Section 2304 B.2.b. and noted accessory buildings can be up to 300% of the size of a house.

Conner noted the five-acre parcel is currently vacant.

McManus noted accessory buildings can be built on adjacent platted lots, and they use the house as the guide for determining the size of the building.

Conner verified views are not an issue for the Planning Commission. McManus agreed.

Vanderboegh asked about adjacency, percentage of coverage, and the size of the proposed building. McManus noted a building less than 150 % of the size of the house could be permitted.

Morgan asked how high the walls would be.

Nadwornik asked how the lot would be accessed. Golnek said he would use the existing drive.

Vanderboegh said the building would be hidden by the trees. He verified the site location was where the tape was. Golnek said he would move the building a little further back from the tape so less trees would have to be removed.

Snow asked how large the building would be. Nadwornik calculated the building to be over 5,000 sq ft including the lean-to.

Morgan asked if there would be any exterior lights on the building. Golnek said he would like lamps that look like an old gas station. He noted the lights will not stay on overnight.

Snow asked about a smaller building. Golnek said he had talked to McManus, but he wanted to ask for the special use.

Motion by Vanderboegh to approve Case No. SP-9-2021 as presented per Article 23, Section 2302.A.1.-7. of the Barry County Zoning Ordinance of 2008, as amended. Support by Miner.

Roll call vote taken: 5 ayes-Conner, Miner, Morgan, Snow, Vanderboegh –
1 nay-Nadwornik - motion carried. Special Use Approved.

TABLED Case No. SP-3-2021

John Clarence Lieb II (Property Owner)

Motion by Nadwornik to remove Case No. SP-3-2021 off the table. Support by Snow. All ayes - motion carried.

Lieb stated that he has cleaned the property. He noted the application was for a home-based business, but is not needed anymore. He said he has taken a new job. He acknowledged that his son still had two vehicles on the property.

Lieb withdrew his request.

Tom Beuchler thanked the Planning Commission for their guidance during the process. He noted he and Lieb are now working together.

Lieb thanked the Planning Commission as well.

Other Business

McManus noted the Board of Commissioners was sending back the rezoning request to the Planning Commission for further consideration. He said the possibility of a future Master Plan cannot be a basis for denying a request. He said he would be including the rezoning on the August agenda.

Elizabeth Bronson asked if there would be public comment. McManus said the rezoning will have a public hearing. He did not know if the site plan review will have a public comment-component.

Miner questioned whether an attorney should be present. McManus noted he will forward the Civil Rights letter to the prosecutor to see if they feel a need to attend.

McManus and the Planning Commission discussed legal remedies for applications.

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

Meeting adjourned at 8:46 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jack Nadwornik", written in a cursive style.

Jack Nadwornik, Secretary