

**Barry County Planning Commission  
Meeting Minutes  
September 28, 2020**

The meeting was called to order by Chairperson Clyde Morgan at 7:00 p.m. in the Community Room of the Tyden Center located at 121 South Church Street in Hastings. The Planning Commission members in attendance included: Morgan, John LaForge, Jack Miner, Joyce Snow, Jack Nadwornik, and Ben Geiger. Robert Vanderboegh was absent. Those also in attendance included: Suzan Miller, John Howland, Barry County Planning Director James McManus, and many other interested people.

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

Motion by Geiger to approve the agenda as printed. Support by LaForge. All ayes - motion carried.

Motion by Nadwornik to approve the Minutes of August 24, 2020. Support by Miner. All ayes - motion carried.

**BUSINESS**

Morgan explained the procedures of a public hearing.

**Special Uses**

**Case No. SP-6-2020**

**Suzan Miller (Property Owner)**

Morgan recessed the Planning Commission, opened the public hearing, and asked Miller to present her appeal.

Miller said they would like to be able to park their trucks on their property. She said the parking area is to the rear of the house.

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

Lonnie Miller noted they employ 10 people.

Chad Miller said it is a family business, and they try to help others.

Morgan asked if anyone was opposed.

Barb Earl noted that she had received numerous calls about the property. She said it is an eyesore. She said an approval could set a precedent.

Lloyd Hudson, a resident in the area, said the area is residential. He said the trucks speed down the road. He was concerned that the use was already established.

Katrina VanHoose noted the trucks travel at a high rate of speed which could be dangerous. She noted the trucks are intimidating.

Sharon Hudson said the roads are getting bad. She said the speed of the trucks is intimidating and her mailbox has been knocked over. She said it is a truck business, and she has to be extra cautious leaving her driveway. She said there are lots of lights on the property.

Joyce Foondle questioned the classification and noted it was more like a truck terminal. She noted terminals are mostly in industrial areas. She noted the parking ordinance classifies contractor's yards in the industrial section.

Lloyd Hudson said there was potentially another site on Sheffield Road. He noted the proposed parcel is only 1 1/2 acres in size.

Sharon Hudson noted the trucks start at 5 a.m. and can go as late as 10:30 p.m.

Miller rebutted that since Covid had started, most of the trucks are not running; she said they normally only have three trucks on site. She noted one of the trucks leaves for the entire week, and they usually do not work on weekends. She said she has lived in Barry County most of her life.

Morgan closed the public hearing and reconvened the Planning Commission.

LaForge asked if any specific permits were needed from the Road Commission. Miller said the roads are usable except for early spring, and she has obtained driveway permits. She said they do not drive on the dirt road.

Miner asked if this is an enforcement issue. McManus said yes.  
Miner asked if all of the trucks were licensed. Miller said all but one was.  
Miner asked if Uldricks Road was a Class A road. Miller said yes.  
Miner asked about the hours of operation. Miller said they run during daylight hours.  
Miner asked how many employees they had. Miller said eight, and her husband and sons work out of their home. She said the other employees and vehicles are subcontracted.

Snow noted there are more than three vehicles on the property. Miller agreed and noted one is a lease and one will be for sale.  
Snow asked about any new buildings. Miller said they would like to build a workshop, but she noted the trucks are too big to store inside.  
Snow noted the parking area is not paved. She asked if they use chemicals to keep the parking area dust-free. Miller said they could start.  
Snow asked about any screening. Miller said they do not have any yet.  
Snow asked if they have any hazardous materials. Miller said no, and any used oil goes to her son-in-law's for recycling.

Morgan noted loaded semis do less damage to the road than empty trucks.

Miller noted her property is circled by cornfields and woods.

Nadwornik asked if they haul gravel. Miller said yes, but the trucks leave in the morning and return at night.  
Nadwornik asked about the flatbeds. Miller said they haul lumber for the Amish.  
Nadwornik said the use was more of a park yard. Miller agreed.  
Nadwornik asked if there would be any other trucks other than the five on site. Miller said no.

Geiger asked if there would be any additional lighting. Miller said no.  
Geiger asked about the turn radius onto Ferris Road. Miller said it was acceptable, and they usually give cars the right-of-way.  
Geiger asked about repairs. Miller said a third-party takes care of that, usually off-site.

Morgan asked about the use of jake brakes, and noted they can be noisy. Miller said they have used them as it saves motors.

Miner asked how long they have been in business. Miller said 5 1/2 years.  
McManus noted they have not been at this site that long.  
Miller said they have been on site since December 2019.

Miner asked if the piece of green equipment was usable. Miller said yes.  
Miner asked about any other vehicles. Miller said there is a bus parked which has been used for church events.

Miller noted the tanker has not been used. Miner questioned why it has not been sold yet. Miller said the price of oil is too low.

Morgan asked if they had any other jobs. Miller said she is a manager at Walmart.

Nadwornik asked why the special use was classified as a contractor's yard. McManus said for the storage of trucks and noted the Planning Commission had approved other contractor's yards for truck storage.

Geiger noted other issues such as headlights and noise issues were not addressed in the application.

Nadwornik noted the hours of operation will need to be defined.

McManus commented that Step 1 was to determine if the site was appropriate for the use; then, if it was, to look at stipulations.

Morgan asked if there were any limitations to fencing height. McManus said no.

Snow asked about the hours of operation and what daylight meant. Miller said they typically run from 7-5. Lonnie Miller said they transport gravel from Carpenter's gravel.

Snow asked where Miller was previously located. Miller said they lived in North Dakota and Baldwin. Miller said they were temporarily at her family's property on Fruin Road.

Morgan asked if gravel hauling would be their primary focus. Miller said hopefully, but also noted lumber transport for the Amish.

Geiger asked about oil transport. Miller said not any longer.

Morgan asked where the trucks were fueled. Miller said at Goldsworthy's.

Geiger said there needed to be additional details on the site plan.

Motion by LaForge to approve Case No. SP-6-2020. The motion died due to a lack of support.

Motion by Miner to deny Case No. SP-6-2020. Support by Geiger.

Geiger asked for a five-minute recess.

Morgan recessed the Planning Commission at 7:55 p.m.

Morgan reconvened the Planning Commission at 8:00 p.m.

Miner clarified his denial to be based on Section 2302, A.6. and 7 of the Barry County Zoning Ordinance of 2008, as amended. Geiger asked why.

Miner noted traffic, noise, and vibrations are issues.

Miner noted there is not enough room to effectively berm the property, and he did not think the site could comply with all aspects of the ordinance. Geiger supported the base of denial.

Geiger suggested tabling the request for 60 days. There was not support for tabling.

Roll call vote on the original motion to deny: 6 ayes - 0 nays - motion carried. Special Use Denied.

**Case No. SP-7-2020**

**John V. Howland (Property Owner)**

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

Howland said he has been fixing lawn mowers, but the work has gotten more than anticipated. He said he is a one-man-show, but he could use a bigger shop. He noted he has less than five gallons of gas on site, and there is a small amount of waste oil. He said he recycles as much as he can.

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

Katie Morrison noted Howland has fixed her equipment, and she is in favor of small business.

Jennifer Howland noted it is more like a hobby and noted their home is on the property. She said nothing can be seen from the road and noted there will be no additional buildings. She said they are less expensive than big-box stores.

Bruce Long noted he travelled from Delton to have his mower fixed.

Morrison said it is not an eyesore.

Howland said he works at most 8-5 Monday-Friday and 1/2 days on Saturday.

Morgan closed the public hearing and reconvened the Planning Commission.

LaForge noted the property has a number of pine trees on it. He said it looks like a typical workshop.

LaForge asked about used-oil storage. Howland said he has a metal container that fills after five or six oil changes.

LaForge suggested using a secondary containment system.

Snow asked if he had any employees. Howland said no.

Snow asked if Howland had another job. Howland said yes.

Motion by Snow to approve Case No. SP-7-2020 per Section 2302.A.1.-7. of the Barry County Zoning Ordinance of 2008, as amended. Support by Geiger.

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

### Farmland Agreements

**#20-04, #20-5**

**G & H Leep, LLC**

McManus noted the properties are in Section 7 and 18 of Orangeville Township. He said they are both planned and zoned as Rural Residential and agriculture is allowed as a by- right use.

Motion by Geiger to recommend approval of #20-04 and #20-05 to the Board of Commissioners. Support by LaForge. All ayes - motion carried.

**#20-06**

**Donald & Lisa Johnson**

McManus noted (3) parcels are included in the application. He noted two of these are planned as Low Density Residential and one is planned as Rural Residential which makes it complicated.

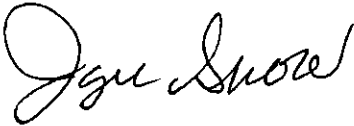
He noted the plan was completed 13 years ago and the property has been farmed continuously during that time. He noted if the request was to be denied, Johnson could appeal to the State, so he recommended it be approved.

Motion by LaForge to recommend approval of #20-06 to the Board of Commissioners.  
Support by Snow. All ayes - motion carried.

Motion by LaForge to adjourn the meeting. Support by Miner. All ayes - motion carried.

Meeting adjourned at 8:25 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 printed name.

Joyce Snow, Secretary