

Barry County Planning Commission

Meeting Minutes

July 24, 2023

The meeting was called to order at 7:00 p.m. by Chairperson John LaForge, in the Community Room of the Tyden Center located at 121 South Church Street in Hastings. The Planning Commission members in attendance included: Jack Nadwornik, John LaForge, Jack Minor, Juli Sala and Joyce Snow. Dave Hatfield and Joseph Kammenzind were absent. Those also in attendance included: Joseph Detweiler, Dustin Pash, Robert Bender, James McManus and many other interested people.

The Planning Commission reviewed the Agenda. McManus asked to add Master Plan discussion under other Business.

Motion by Miner to approve the agenda as amended. Support by Snow. All ayes – motion carried.

Motion by Miner to approve the minutes of June 26, 2023. Support by Snow. All ayes - motion carried.

BUSINESS

LaForge explained the procedures of a public hearing.

SPECIAL USE

Case SP-4-2023

Joseph Detweiler
(Applicant/Property Owner)

LaForge recessed the Planning Commission, opened the public hearing and asked Detweiler to present his request.

Detweiler said he would like to have a home occupation to use his home for a bakery.

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

Deanna Powell noted they have a long driveway for adequate parking.

Sheri Babcock said they started under cottage laws, but they want to expand and she supports that.

Barb Earl supported the request.

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

LaForge closed the public hearing and reconvened the Planning Commission.

Miner asked if Detweiler would have to add any rooms. Detweiler said no.

Miner asked about the signage. Detweiler said he had three signs.

Miner questioned if the signs were acceptable. McManus noted that three off premise signs were allowable. McManus was concerned that the sign on M-37 is in MDOT's right of way and will need to be moved to the 10 foot setback.

Nadwornik verified that Detweiler would obtain any necessary state permits. Detweiler agreed. Nadwornik asked what products would be for sale. Detweiler said pies, bread and cakes. Nadwornik asked how many customers they would expect. Detweiler said 30-40 per day. Nadwornik asked what the hours of operation would be. Detweiler said 7:00 am to 7:00 pm on Friday and Saturday.

Snow asked about employees. Detweiler said there is only one employee other than family.

Sala asked about the drive. Detweiler said it was gravel. Sala noted they need ADA compliant parking spaces. LaForge noted the ramp appears to be acceptable.

Detweiler said they will have a concrete approach.

LaForge said Detweiler will need internal signage.

Motion by snow to approve Case SP-4-2023 per section 2302 parts 1-7 of the Barry County Zoning Ordinance. Sala asked to stipulate ADA compliance. Snow agreed. Support by Miner. 5 Ayes – 0 Nays - motion carried with stipulation. Special Use approved.

Case SP-5-2023

**Dustin & Kelli Pash
(Applicant/Property Owner)**

LaForge recessed the Planning Commission, opened the public hearing and asked Pash to present the request.

Pash noted they would like to build a new home and use the existing home as an Accessory Dwelling Unit. He said the new home will be their forever home.

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

Jerry Drewyor said the owner is an artist so the new home will be aesthetic. He said the neighbors will not be impacted.

LaForge asked if anyone was opposed.

Liz Rafels questioned who would live in the house.

Pash said no one will live there permanently; he said it will be used as a guest house for the family.

Rafels asked if a zoning change would be needed if the home was rented. McManus said no, but he noted short term rentals are not permitted in the county....90 day minimums are required for rentals.

Drewyor suggested that the property could be split. McManus noted a split could be complicated due to the private road.

LaForge closed the public hearing and reconvened the Planning Commission.

Sala asked if there were any other zoning limitations. McManus noted that Health Department approval was needed.

Snow asked how big the house would be. Pash said 40 x 40.

McManus clarified that the existing house would be the Accessory Dwelling Unit. Pash said the existing house is 989 square feet.

Nadwornik asked if the driveway would be shared. Pash said there would be separate drives and noted the homes would be 200 yards apart. Pash noted he owns the road.

Miner verified there would be a new well and septic system... Pash agreed.

Nadwornik asked if no renting could be stipulated. McManus said no.

Motion by Sala to approve Case SP-5-2023 per Section 2302 parts 1-7 of the Barry County Zoning Ordinance. Support by Snow. 5 Ayes – 0 Nays. Motion carried.
Special Use approved.

Case SP-6-2023

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**Junior Lambright (Applicant)
Joseph Detweiler (Property Owner)**

LaForge recessed the Planning Commission, opened the public hearing and asked Lambright to present the request.

Robert Bender noted the Amish would like to have another cemetery. He said the community is growing, and they would like a cemetery on the west side of M 37 so they wouldn't have to cross M 37. He said some community members have to go 10 miles to get to the cemetery on Lawrence Rd.

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

Joseph Detweiler expressed support.

LaForge asked if anyone was opposed to the request.

Scott Adams questioned the need for the cemetery. He stated the Amish do not have to follow state regulation for burials, and there are not many of them in the area.

Joe Kujala asked if they would have stand up stones or buried stone. He asked how many tombs would be on the lot.

Gene Willison said the Amish use a vault system for burials. He was concerned about disease. He noted water flows through the property, especially in the spring.

Jill Eaton noted the cemetery is proposed to go on top of the hill so any drainage will go toward Willison's.

Eaton asked if they would have to follow state guidelines. McManus noted the request must conform to the state rules including legal access and health department approval.

Bender noted each Amish service included a burial 5 feet in the ground, and the deceased is placed in a wooden vault. He questioned if a vault is required in Michigan.

Noralee Rhodes asked how many gravesites were being planned. She was concerned about the property being converted to other uses. She noted the lower area does flood.

Adams said he was a Sexton for Prairieville Township and they always use a vault for burials. He asked if Baltimore Township's Sexton has a say in the process.

LaForge verified vaults are not required for burials.

Rhodes said the drainage from this property could affect neighbors' properties.

Bender rebutted and noted the headstones will be above the ground.

Bender noted they need to dedicate 1 acre of land for the cemetery, but they will not use it all. He said each tomb will be a 5 x 10 space, and each burial site is dug by hand. He noted the water will not reach the top of the hill.

Lambright noted part of the easement is in the low area, but they turn to the higher ground.

Snow asked who owned the property. Detweiler said he did.

Snow verified the cemetery is on top of the hill. Lambright agreed.

Snow asked if there was enough parking for the buggies. Bender said yes.

Snow asked about winter burials. Bender said they will hand dig a grave even in winter. Snow asked if the drive would be gravel. Bender said yes and noted they can use the house drive if the direct drive is flooded. He said they could walk the coffin to the grave if they had to. Snow asked if the bodies are embalmed. Bender said yes.

Miner verified they have to comply with all state laws. Bender said yes.

Sala asked if Bender was aware of the cemetery regulation act. Bender said yes.

Sala asked about the security of the site. Bender said they will fence about ¼ acre.

Sala noted they are required to have an irrevocable endowment for maintenance.

Sala said he was concerned about the chemicals leaching in to the soil and water since the edge of the cemetery was only 200 feet from the stream. He questioned how leachate can be contained, and he cited studies indicating cemeteries will leach into the water table.

Snow asked how long the cemetery had been in operation on Lawrence Rd, and how many deceased were buried there. Bender said it was opened about 10 years ago, and there are 6 people buried there.

Motion by Snow to approve Case No SP-6-2023 per Section 2302 parts 1-7 of the Barry County Zoning Ordinance. Support by Miner.

Miner, Snow, LaForge – Ayes Nadwornik, Sala – Nays
Motion did not carry.

Nadwornik noted the only location approved by the Barry-Eaton Health Department is the top of the hill.

Sala noted the cemetery could have future considerations, but he noted the public good could outweigh the risk.

LaForge commented that the studies of cemeteries leaching have ramifications that are bigger than zoning.

Sala asked if any other sites were considered. Bender said yes, but they need a sandy site that is somewhat secluded.

Miner noted the part 3 clause for future consideration could limit growth in Barry County.

LaForge recessed the Planning Commission at 7:57 pm. LaForge reconvened the Planning Commission at 8:03 pm.

Motion by Nadwornik to approve Case No SP-6-2023 per Section 2302 parts 1-7 with the stipulation that the burials start at the furthest point of the cemetery from the stream. Support by Snow. 5 – Ayes 0 – Nays Motion carried. Special Use approved with a stipulation.

MASTER PLAN

McManus noted the final draft of the Master Plan was forwarded to the Board of Commissioners with the suggested corrections from the Planning Commission. He noted he found a few grammatical and map corrections that had not been done, and those have been corrected as well. He asked if the Planning Commission had any additional comments. There was no response. McManus noted the Master Plan received the Excellence in Planning Award from MAP, and he thanked the Planning Commission for their work.

McManus noted the Village of Nashville Village Council has approved the transfer of Administrative duties to the county for Planning and Zoning, and both Castleton and Maple Grove have approved the 425 agreements. He noted the map changes will need to be processed, probably in October, so the county can start doing the work in January.

PUBLIC COMMENT

Shari Babcock was concerned that religious organizations may be exempt from the endowment fund requirement. She noted there have been many instances of townships having to take over cemeteries.

Suzanne Willison noted all water flows downhill.

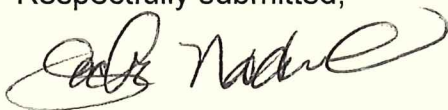
Gene Willison questioned the cemetery vote.

Motion by Snow to adjourn. Support by Sala.

All Ayes – motion carried.

Meeting adjourned at 8:17 pm.

Respectfully submitted,

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

Jack Nadwornik

