

**Minutes of the Meeting of the
DeMotte Board of Zone Appeals
January 14, 2014**

In attendance were Dr. Ray Ooms, Cecile Wilbourne, John DeKock, Rick Eenigenburg, Attorney Gordon Etzler, and Town Manager John Dyke.

John DeKock called the meeting to order at 7:00 p.m.

The minutes from December 10, 2013 meeting were read and approved. Motion by Cecile Wilbourne and seconded by Rick Eenigenburg. Motion passed.

The election of officers was conducted.

John DeKock motioned to appoint Dr. Ray Ooms as President and seconded by Rick Eenigenburg. Motion carried.

Cecile Wilbourne motioned to appoint John DeKock as Vice President and seconded by Rick Eenigenburg. Motion carried.

Cecile Wilbourne motioned to appoint Rick Eenigenburg as Secretary and seconded by John DeKock. Motion carried.

John DeKock motioned to re-hire Attorney Gordon Etzler as attorney for the BZA and seconded by Rick Eenigenburg. Motion carried.

Chairman Dr. Ray Ooms asked Rick Eenigenburg the following three questions:

- 1) Are you an employee? Rick Eenigenburg's answer was yes.
- 2) Are you involved in the project? Rick Eenigenburg's answer was no.
- 3) Will you gain financially? Rick Eenigenburg's answer was no.

Mr. Tim Kuiper represented New Leaf Center and gave an overview of the project. Proper notice was given by way of certified letters and newspaper notice.

The Town code has five findings for the special exception. He read the background statement and after he read the statement, he referred to the 300 plus signatures in favor of the project. He said there will be limited hours (noon to 8 p.m.) and minimal lighting, the building will be screened from public view with greenery. Mr. Kuiper also read the special exception clauses and how this project will comply with the clauses.

Dr. Ray Ooms opened the meeting to the public.

Mrs. Tiffany Graf signed in and spoke about living close to the property, she said she was surprised that they got the notice. She was concerned about traffic increase and claims that there were six accidents so far, as of January 16, 2014, at the intersection of 231 and 1100. Mrs. Graf said she wants the business to be on Halleck Street and she wanted more lighting. She also stated that she doesn't like the clientele, who may be violent or sexual predators. She stated that New Leaf Center is a very good organization.

Mr. Bruce Przybylski signed in and spoke about his experience with New Leaf and the need for privacy. He also said that the road is not that busy and this is needed for our community.

Ms. Donna Hamstra signed in and spoke about the petitions. Ms. Hamstra stated she has had total support from all the churches in town and she had over three hundred signatures with all the information that was needed on the sign in sheets.

Ms. Darla McKim signed in and spoke about the need for this Center. She stated that she would rather have the Center there than houses. She has worked in other counseling centers as an employee and said that this business is there to help people.

Mrs. Tiffany Graf stated that 1100 is very busy so the location is bad.

Mr. Brent Przybylski signed in and talked about the traffic, he jogs in the mornings and said it is not busy on that street. Mr. Przybylski said there would be more golfers than clients. He also said the clients that would be at the Center would not be dangerous.

Mr. Bill Graf signed in and asked if the project would include both parcels. He rebutted Bruce Przybylski about his connection and prior counseling.

Mr. Brent Przybylski spoke about the importance of the privacy issue.

Mr. Bill Graf stated that the traffic was bad and that houses should be built.

Mrs. Betty Lamp spoke about the design of the building, she designed the building with privacy in mind. She stated "the building will be beautiful and fit the neighborhood."

Brandon Graf signed in and spoke about the Board deciding against the project. He stated that businesses should not be in the neighborhoods, and that the signatures were collected because of the Hamstra name. Brandon Graf stated that New Leaf is a good business.

Donna Southard signed in and spoke about the fact that she is the primary counseling contact. She said there is a big lack of services in the DeMotte area and there is a real need for this. Donna Southard also lives in DeMotte and has four children, she said over half the caseload is children and there is a large demand for this. The sense of privacy is critical to this business.

Mr. Brent Przybylski spoke about the traffic that is a non-issue, most of the traffic flow will be coming from State Road 231 and not any houses.

Tiffany Graff stated that the road is very busy during the day and has no speed limit signs. She wants their business to be in town.

Mrs. Pat Graf spoke about how New Leaf is a good business. Office hours from after 12 noon and closed by 8 p.m., no lighted sign will be visible. She complained that a realtor should not be distributing petitions unless she would be employed by the New Leaf Center. She was against Jim Dobson's subdivision development where she lived. It is located ½ mile northeast of this location and regrets that she can't have cattle, horses, and pigs in her subdivision. She also says there are a lot of accidents on the corner of 1100 and 231.

Tracy Vanderwall spoke about the fact that no commission will go to the realtors, it will be donated to the New Leaf project. Much personal money was spent by Donna Hamstra to see this project through.

Mr. Tim Kuiper spoke again to clarify some of the issues. He stated that this is not spot zoning, in fact it is a special exception and traffic will be along 231 and not along 1100 North. They have satisfied all five criteria, and the parcel is 1.8 acres in size.

Cecile Wilbourne asked if they looked at other parcels to which they replied that they had and there were to many issues. She also asked why the signatures didn't have an address.

Dr. Ooms also commented about the lack of addresses.

Attorney Gordon Etzler informed the Board that petitions are not regulated. He also spoke about the new facts on substantial change in order for New Leaf to be reconsidered by the BZA Board. Attorney Gordon Etzler also said the Town allows this type of business in this area. Some of the issues that were discussed are not applicable to the decision that must be made. Last month the discussion centered around the clients and it should have been about the five points.

Dr. Ooms closed the public hearing.

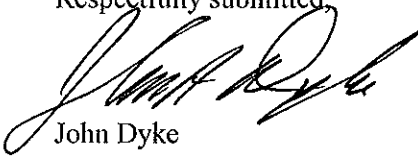
The Board determined that there was a substantial change from the application submitted in November, and does meet the five standard test for the BZA.

John DeKock motioned that the substantial changes would allow it to come before the Board. Rick Eenigenburg supported the motion. The vote was unanimous. The second motion on the table is whether the project would be allowed.

John DeKock motioned to approve the project because it meets the five criteria, and it meets all the requirements of the Town code. It was seconded by Cecile Wilbourne. Motion passed unanimously.

Motion was made to adjourn by Rick Eenigenburg and was seconded by Cecile Wilbourne . Meeting adjourned at 8:45 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "John Dyke", is written over the typed name.

John Dyke
Town Manager