

**Minutes of the Meeting of the
DeMotte Board of Zoning Appeals
March 14, 2017**

In attendance were Cecile Wilbourne, Rick Eenigenburg, John DeKock, Rick Herma, Carolyn Davidson, Attorney Gordon Etzler, Town Manager John Dyke, and Secretary Kimberly Kendrick

John DeKock called the meeting to order at 7:20 p.m.

The minutes from the December 13, 2016 meeting were read and approved. Motion was made to approve the minutes by Carolyn Davidson and seconded by Cecile Wilbourne. Motion passed with 4-0 vote.

Election of Officers took place.

Cecile Wilbourne made a motion to nominate John DeKock for President and was seconded by Carolyn Davidson. Motion passed with a 4-0 vote.

Carolyn Davidson made a motion to nominate Rick Eenigenburg for Vice President and was seconded by Rick Herma. Motion passed with a 4-0 vote.

Carolyn Davidson made a motion to nominate Cecile Wilbourne for Secretary and was seconded by Rick Herma. Motion passed with a 4-0 vote.

Carolyn Davidson made a motion to retain Gordon Etzler as Attorney and was seconded by Cecile Wilbourne. Motion passed with a 4-0 vote.

Town Manager John Dyke passed an information packet to the Board along with 5 criteria for the Board to consider a variance for Shawn Kuiper at 6390 W 1000 N for a mulch making business. Shawn told John Dyke, before legal notices went out, he wanted a 6-month temporary variance. However, the application and legal notice did not establish this term.

Shawn Kuiper addressed the Board requesting a temporary variance to continue with his operation of recycling wood waste while he's in the process of moving. Shawn stated that he needed the variance to improve his cash flow through the spring and summer to help with the transition. Shawn stated that he would like to request 7 months instead of 6. His plans are to sell mulch retail and wholesale from this location.

Joel Kuiper 5132 E 1200 N, said they have been running a business off the property since 1972 and requested information on how the buffer zone worked. Town Manager John Dyke explained the Buffer Zone extends to 1000 N, which is the Southernmost limit, and as the Town expands so does the Buffer Zone.

Dawn Kuiper, 5132 E 1200 N, reiterated the property business has been there for a long time and said that they would request a parameter of time to use the equipment when people are awake.

Shawn was asked about the loud chipper, he said he would operate the machine away from the neighbors and the hours of operation would be whatever the Board deemed respectable. Shawn said the spring would be a busier time but after that it would only be 2 to 2 ½ days a week and never on Sunday.

Shawn stated that the dye they use is a vegetable based product and is IDEM approved for the process.

John DeKock opened the meeting to the public.

Several people spoke about their concerns for the hours of operation, the type of lumber that would be used, the safety of children, property values, and also any chemicals that might be used in the dye.

Attorney Gordon Etzler stated that the wording of the legal notice was not accurate in that a variance is different than a special exception, and that more information was needed. The notice was mailed out by Shawn Kuiper for a special exception when the filing should be for a temporary variance. Gordon said, in his opinion, the Board's decision either to grant or to deny, would be confusing in its intent, and that persons on both sides of the issue would not be able to enforce its terms and would be ruled invalid by the Court.

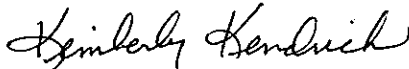
John DeKock closed the meeting to the public.

John DeKock stated the legal process was not followed in the notice to property owners, and newspaper, and was not related to the initial petition filed in the office with the Building Commissioner. Therefore, the Board could not proceed with the hearing.

John DeKock said because of this, the application is invalid and a new application must be filed.

Carolyn Davidson made a motion to adjourn at 8:30 p.m. and was seconded by Rick Herma. Motion passed with a 4-0 vote.

Respectfully Submitted,



Kimberly Kendrick
Secretary