

**Demotte board of Zoning Appeals**  
**June 13, 2023**

In attendance were Carolyn Davidson, Rick Eenigenburg, Peggy Michelin, John VanSoest, Building Commissioner Kim Kendrick, and Administrative Assistant Amanda Nemcevic. Not in attendance: Justin DeKock Town Attorney Luis Vallejo & Town Manager Mike Cain

The meeting was called to order at 7:35 p.m.

Minutes from the April 11, 2023, meeting was read and approved, A motion was made by Peggy Michelin and seconded by Carolyn Davidson. Motion passed with a 4-0 vote.

The first item on the agenda was a Special Exception for CLH Real Estate LLC. Attorney Shelmon represented CLH Real Estate in request to the Board for a special Exception for the 6.536-acre parcel located at 11894 N 570 W. They would like to convert the 100x120 square foot Church building and the 48x32 square foot pole barn into community venues which they would rent out for parties, weddings etc. access to the venues would be off 570 W. The parcel is zoned I-1 and would allow for the special exception.

Rick Eenigenburg opened the meeting for public comment.

Gail Barker of 11927 N 600 W asked what kind of events would be held and if a noise ordinance would be in place. She also expressed her concerns with the traffic entering and exiting on 570 W.

There were no further comments, the public meeting was closed and brought back to the board for voting.

Building Commissioner Kim Kendrick addressed the board stating that there were 5 requirements that need to be voted on for the special exception:

- a) That the approval will not be injurious to the public health, safety, morals, and general welfare of the community.
- b) That the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
- c) That the need for the variance arises from some condition peculiar to the property involved.
- d) That the strict application of the terms of the Zoning Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought.  
and,
- e) That the approval does not interfere substantially with the comprehensive plan of the Town of DeMotte.

The Board addressed the five requirements individually.

The Board agreed unanimously that the criteria was met, Peggy made a motion to approve the Special Exception with the added stipulations that the venue would provide traffic control with large events of 100 cars or more. And that after 10:30 pm noise would be kept within 75 feet of the point of origin.

The next item on the agenda was a developmental variance for Legacy Sign Group/Countryside/Belstra located at 10641 N St. RD. 10. This item was tabled until the July meeting as there was not a quorum to vote on this variance.

The next item on the agenda was the Developmental variance for Warrior Properties, Warrior Properties is requesting a Developmental Variance to allow their parking to remain gravel; The driveway entrance will be poured concrete. They are asking the Board to allow them to keep the rest of the lot gravel.

Rick opens the floor to the public, there were no public comments, the public meeting was closed and brought back to the board for voting.

Building Commissioner Kim Kendrick addressed the board and stated that there were 3 requirements that need to be voted on for the Developmental Variance:

- a) That the approval will not be injurious to the public health, safety, morals, and general welfare of the community.
- b) That the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner and
- c) The strict application of the terms of the Zoning Ordinance will result in practical difficulties in the use of the property.

The board discussed their concerns with the traffic, welfare, safety, public health and the negative impact of the surrounding properties.

John made a motion that there is no negative impact on the development or surrounding areas, Peggy seconded, the motion passed 4-0

Peggy made a motion to approve the variance seconded by Carolyn, the motion passed 4-0

Carolyn made a motion to adjourn, seconded by Peggy the motion carried 4-0

Meeting Adjourned at 8:30 p.m.

Respectfully Submitted,

Administrative Assistant

Amanda Nemcevic