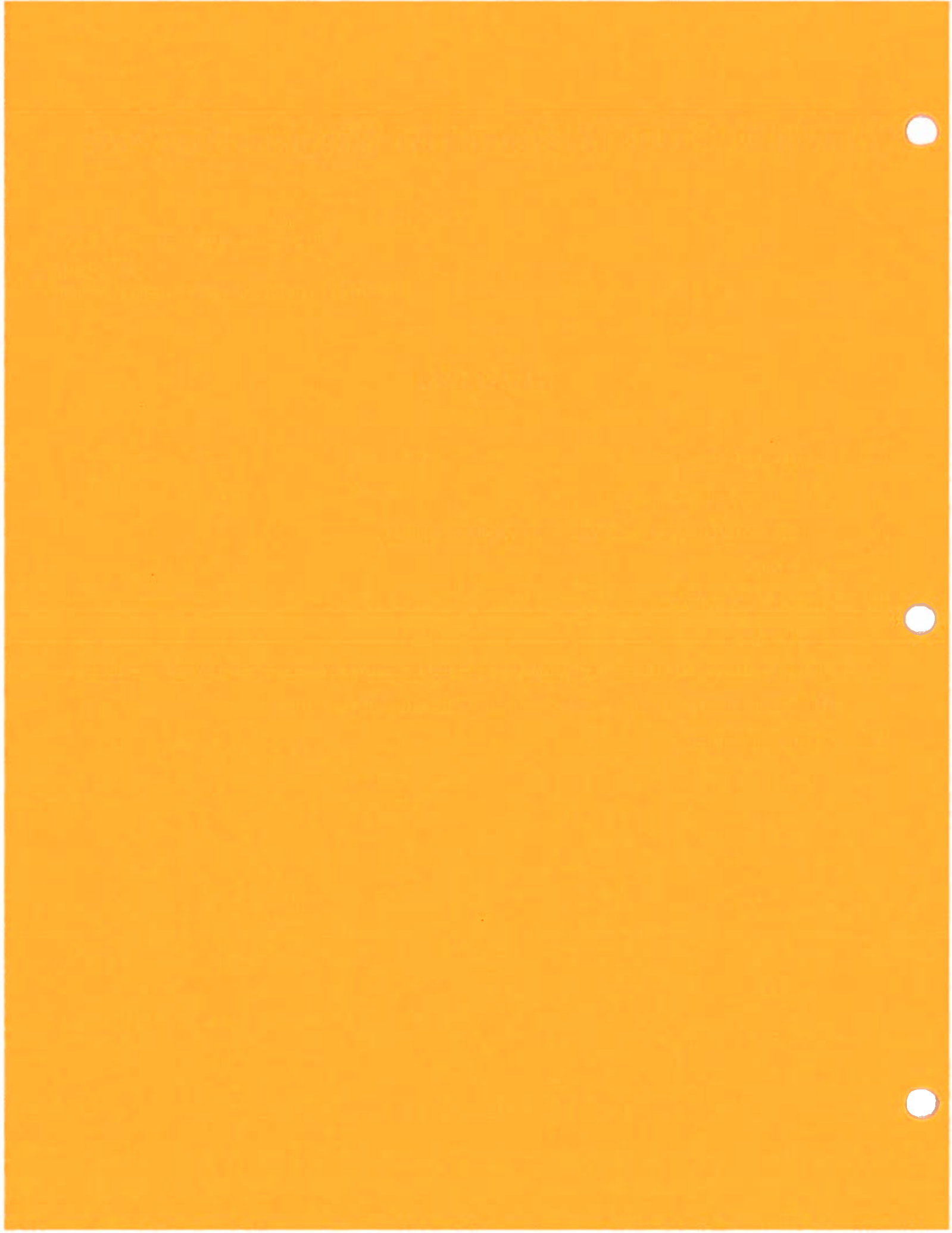


NEWTON COUNTY BOARD OF ZONING APPEALS

Tuesday, January 26, 2021
6:30 p.m.
Newton County Government Center

Agenda

- I. CALL TO ORDER
- II. ELECTION OF OFFICERS
- III. APPROVAL OF THE OCTOBER 27, 2020 MINUTES
6:30 P.M.
- IV. ANNUAL REVIEW
7:00 P.M.
- V. JOHN & JUDY SCHEERINGA BZA 1-21 LAND USE VARIANCE FOR AN AG USE IN AN R1A USE DISTRICT. 1673 W SR 10 LAKE VILLAGE IN 46349
- VI. OTHER MATTERS;



NEWTON COUNTY BOARD OF ZONING APPEALS MEETING MINUTES

Tuesday, January 26, 2021

6:30 pm

Newton County Government Center

Called to order 6:30; pledge

Attendees:

Russell Collins

John Cermak

James/Jim Chamberlain (President)

Daisy Cicero

Becky Goddard (Attorney)

Absent:

Russell Rigby (Arrived later)

Pledge 6:30

Officer Election: Russell Collins motioned to approve same officers; seconded by John Cermak

James Chamberlain as President; Russell Rigby as Vice President.

All voted aye, carried 3-0

Minutes from October 27, 2020 reviewed and approved

Russell Collins moved to accept minutes

John Cermak seconded, all voted aye; motion carried 3-0

Daisy Cicero: *Annual review of sand mining permits; DeJong not present; will wait to approve permit.*

All but one permit returned and paid: Dan and Kristin Fowler, who are finished with digging.

Letter from concerned neighbor regarding Don Keller. Daisy asked if it should be read now or later.

James said to read it now.

Letter to BZA regarding Don Keller sand removal project.

Letter requested to deny renewal of license due to noise, debris on road, and damage to 700 N.

Daisy attempted to contact Mr. Keller, who asked to table the discussion if any decisions were made to alter the renewal.

Member of public (Mr. Swiader) "May we address the board?"

Jim: "Not at this time"

Resident confirmed they are who wrote letter.

Jim suggested coming back to letter after other permits are reviewed.

Daisy Continued permits.

Jim: Does BZA have any questions or concerns regarding permits other than Keller?
None.

Jim: Request a motion to accept all excluding Keller and Fowler.

Russell Collins: I move we accept all other than Keller and Fowler.

Cermak: Seconded

Motion passed 3-0

Jim: Fowler is complete. Need motion to deny.

Cermak: Move to deny Fowler's permit

Russ Collins: Seconded.

Jim: Moved and seconded to deny Fowler petition.

Motion Passed.

Jim: Back to Donald Keller. We have complaint/concern. It would be fair if we hear both sides (Don is absent)

Goddard: I'm inclined to agree.

Jim: Suggested to table one month until next meeting.

Swiaders are not able to be present at meeting in February (vacation), there's more than just us; we wrote the letter. Did you get the packet?

Jim: Yes

Mr. Swiader: There's an entire neighborhood is concerned. Continued addressing concerns of traffic and the size of the project, and the daily work.

Jim: I feel we should table this so we can get all parties involved. Seemed the only fair way to me.

Mr. Swiader: Suggested March for entire neighborhood to be present and involved.

Mrs. Swiader: Frost law starts in Feb so trucks should not be running, but they do.

Jim: That's between them and County Hwy Dept. We don't govern the frost law. I'm not trying to pick sides. We don't have petitions or meetings in March, so it would have to be postponed until the next meeting.

Mr. Swiader: What happens to the permit in the interim? It expires?

Jim: No, it will continue until we have it reviewed?

Mr. Swiader: When is the February meeting?

Daisy: The fourth Tuesday. It's always the fourth Tuesday.

Russ C. suggested a proxy if they are unable to attend, or we can postpone.

Jim: March gives ample time for scheduling.

Russ C: Moved to table until the 4th Tuesday in March

Cermak seconded

Voted in favor 3-0 to postpone until March 23.

6:43 concludes sand mining discussion.

Land Use Variance

Daisy listed current petitions

Building Department cannot reach Lake Village Solar, LLC

Jim suggested tabling their permit.

Russ C: Moved to approve all land use variances with the exception of LV Solar
Cermak seconded
3-0 pass

Jim: Table Lake Village Solar, LLC until next meeting
Board agrees.

Daisy: Special Exceptions?

Jim agreed

Daisy read through renewed Special Exceptions

Dianna Martin has passed, and has open air sales permit. The renewal was not returned, but the area is zoned I-1, so it's already allowed without special exception.

Goddard suggested she must research to find the proper procedure.

6:50 pm Russell Rigby arrived

Butch Cain: They shouldn't need a special exception any longer because it's in the proper zoning as is.

Jim: Maybe we ought to skip that one for right now, and review the others and come back to it.

Daisy continues list.

Daisy: Fred Wityaz has the airport on 600 N

Russ C: Is the airport approved?

Butch: It's only approved if he puts emergency roads in. But he continues to keep the special exception in case they ever want to build.

Jim: The airport's not active?

Butch: No, it's not in place. It never even got built.

Jim: With the exception of Martin, do we have any complaints or feedback, negative or positive?

None.

Jim explained to Russ R. what was missed regarding Martin.

Jim: Up to the board how to handle that. Either deny it or give 30 days until the next meeting.

Russ C: Move to approve all with the exception of Diana Martin, giving 30 days to respond.

Cermak Seconded

Motion carries

Daisy: Mobile Homes

Jim: The only one in question is the Newton County Development Corporation. Give them 30 days to reorganize their documents.

Russ C: Sounds fair. Moved to accept all excluding NC Dev. Corp

Russ Rigby: Seconded

All voted aye

Daisy: Last is confined feeding

Waiting on a response from Cambalot Swine Breeders

Continues listing confined feeding operations

Kurt Meyer's farm sold; they don't want to continue
 Laffoon was denied last year, and should be removed.
 Daisy thought Will and Carl would be here to speak; something must have come up.
 Jim: Any complaints?
 None
 Will and Carl can come back next month.
 Russel R: Deny Kurt Meyer
 Cermak Seconded
 All voted aye

Jim: Table Cambalot Swine Breeders for 30 days?
 Russ C: Moved to accept all, but withhold Cambalot
 Cermak: Seconded
 All vote aye

7:05 Daisy opened Scheeringa plot on Beacon
 BZA-1-21
 John and Judy Scheeringa here in attendance to represent
 It's zoned R-1A, but must be zoned Ag for a greenhouse; they are applying for a Land Use
 Variance

Jim: has it been properly advertised?
 Daisy: yes
 Jim: Is the paperwork all in order?
 Daisy: yes
 Jim: Tell us what you'd like to do
 Scheeringas want to move a greenhouse form the neighboring property to their residence
 Jim: Your greenhouse is on someone else's property, and you're renting the greenhouse,
 and you want to move it over?
 Mr. Scheeringa: yes
 Jim: Will you give access to Route 10?
 Mr. Scheeringa: Yes, we already have access
 Jim: the area looks heavily wooded
 Mrs. Scheeringa: It's wooded out front, but the back is farm ground; Farm chemicals make
 it difficult with the placement of the exhaust fans in the GH taking in chemicals.
 Daisy: There are no complaints on existing greenhouse and no calls came in for the
 petition.
 Jim: It's been there a long time.
 Mrs. Scheeringa: 37 years
 Jim: Questions or concerns from the board?
 Russ R: Are there any drainage issues?
 Mrs. Scheeringa: No, there were water issues in the past until putting in the pond. It's a
 little soggy; would have to put sand where they would build.
 Russ C: You're already running the business, you're just relocating the building.
 Jim: Open to public for comments or questions. Seeing none, closing to public, and back to
 the board.
 No concerns

Russ C: Move to approve
 Russ R: Seconded

All vote Aye, approved 4-0

Daisy: Remember to get form each year for renewal
 Scheeringas asked timeline of building permit and where to get it
 Daisy: One year and contact our office

Jim: Other matters?

Roger Canterbury non-compliant; living in a trailer.

Goddard: there was a hearing yesterday and parties must engage in a settlement within 30 days. What is requested by the board?

Russ R: IF he has the permit, he needs to build something

Jim: We want the camper gone. It's gone on for a few years. Remove the camper or build a permanent structure.

Goddard: he needs a new building permit?

Jim: Correct. The old one expired; he never vacated
 7:15

Goddard: Otherwise, is the property in compliance?

Butch: No

Jim: He simply needs to get the property in compliance.

Daisy: There are junk cars on the property still.

Butch: He was given a year, lived in the camper in that time, and he'll just repeat that. There are junk cars, dogs running, and it's a nuisance to the neighbors.

Russ C: He needs to vacate the trailer, remove cars, and come back for a permit.

Jim: He needs to remove the trailer from the property.

Jim: anything else?

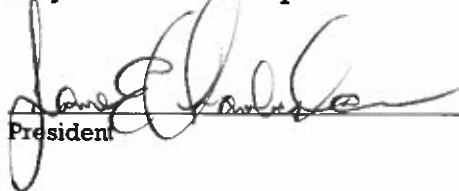
Daisy: I don't think so

Jim: Get ahold of Will and Carl for next month.

Cermak moved to adjourn the meeting

Russ R: Seconded

Adjourned at 7:18 pm.



 President



 Secretary

