

Town struggles to protect farmland

Written by Carol Pomeday
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Debate brews over whether existing, non-conforming businesses should be required to get conditional permits

Town of Belgium officials are continually struggling with ways to retain farmland and open spaces.

Now, some Plan Commission members want nonconforming businesses that quietly operate in agricultural districts to obtain conditional-use permits.

But others said it would be too time-consuming and difficult to regulate the permits and suggested existing businesses be ignored unless a problem arises.

“We can’t go back and change everything that was done wrong in the past,” Chairman Tom Winker said at the May 18 Plan Commission meeting. “All we can do is move forward and not allow it to happen again. If we’re fair and consistent and stick to the books, no one can complain.”

By state law, a conditional-use permit can be issued only for uses listed in the zoning code as allowable in the district, Zoning Administrator Charles Parks said.

If the requested use is not listed, the town must amend the zoning code to allow the business to operate, he said.

“If we change the code, anyone can request that use, and we would have to allow it or have a very good reason for denying it,” Parks said.

If the use is approved, subsequent owners can continue that use forever according to state law, he said.

The Town Board adopted the 2035 master plan as a goal for the town’s development, Parks said, and the zoning code has been updated to match the plan.

“I see the Plan Commission as the one that looks at the future,” Parks said. “Every decision we make affects the future of the town, and we must be very careful when making zoning changes.”

Commission member Dennis Dimmer said he was notified his electrical business is not allowed in an agricultural district yet he knows many other businesses operate in barns without a permit.

“I think everyone should be required to get a conditional-use permit,” he said. “It allows us to control it.”

Winker told Dimmer he can argue his case later.

“I don’t want this to be your day in court,” Winker said. “We need to focus our discussion on

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what is best for the Town of Belgium as a whole, not argue individual cases.”

Commission member Cathy Urness said it would be almost impossible and a waste of time to try to identify all nonconforming businesses in the township.

“It will open up a can of worms,” she said. “We’ve always relied on the honor system. If it’s not hurting anyone, let it be.”

Parks agreed, but said he can see both viewpoints.

“There’s nothing wrong in arguing your case,” Parks said. “I operate a business in a township that requires a permit and I don’t mind getting one. But I like living in a community that doesn’t control everything. But I can also see the other point of view.”

He said the zoning code is not meant to be punitive, but to help people do what they want to do.

Former Town Chairman Francis Kleckner defended the zoning changes that were made under his 20-year tenure.

“They were all compatible uses and got permits. As long as we know they’re there, we can regulate them if there’s a problem,” Kleckner said.

The Plan Commission will continue the discussion conditional-use permits at its June 15 meeting.