Written by CAROL POMEDAY
Wednesday, 31 October 2012 16:54

Conditional use in ag district, additional unit in building are denied

Zoning issues were hot topics recently for the Town of Belgium Plan Commission and Zoning Board of Appeals.

The Plan Commission on Oct. 17 unanimously denied a request for a conditional-use permit by commission member Dennis Dimmer to operate D&D Electric at 1967 Hwy. K.

The business is a nonconforming use in an agricultural district and has been grandfathered in, but Dimmer cannot put up a sign to advertise his business, something he said is needed for deliveries.

Zoning Administrator Charles Parks said Dimmer cannot be granted a conditional use because it is not listed as a permitted use in the zoning code. He suggested Dimmer park a vehicle or trailer with his name and address near the road for people to find him.

Dimmer questioned why fireworks storage and pay-to-hunt operations are listed as conditional uses.

Parks said fireworks storage may be changed when the zoning code is updated next year. Pay-to-hunt operations, he said, are closely related to agriculture and crops are planted on the land.

On Oct. 16, the Zoning Board of Appeals denied a request from Paul Bares to allow him to convert 1,200 square feet of vacant space into a two or three-bedroom apartment in the building he owns at 2271 Hwy. A.

The structure was a tavern with living quarters that his parents converted into a home for themselves and two apartments. The couple bought the building in 1974 when it had three apartments. They closed the tavern in 1987 and the large room on the upper level was not used, Bares said.

Bares, who purchased the building from his parents, said he needs a fourth apartment to make it economically feasible.

The structure is in a residential zone, which only allows single-family homes, but the apartments were grandfathered in when the zoning code was adopted, Parks said.

The town does not have multi-family zoning, but that’s something Bares could bring up when the code is revised, he said.

The Board of Appeals cannot allow a variance that would make the structure even more out of compliance than it already is, Parks said.

The board denied the request 3-1 with John Bowers dissenting.

The appeals board approved a variance for James Costakis to build an art studio in the lakeshore yard at 4898 Lower Forest Beach Rd. The code does not allow accessory buildings between the main house and Lake Michigan, but Costakis is replacing a structure that will cost too much to repair.

Neighbors on either side of the property said they have no objections, although one neighbor said Costakis should agree not to oppose similar requests from neighbors.

Parks said he does not believe the board is setting a precedent because the owner is replacing a current building and moving it to meet the 20-foot side setback.

“If they were enthusiastic about redoing the building, I would have given them a variance without a permit,” Parks said.

The request was granted 3-1 with John Riordan objecting, saying it does not meet the hardship criteria for a variance.