

Board of Adjustment Meeting Minutes
11/28/2023
Butler County Courthouse

Present

Board of Adjustment members:

Mark Gerdes
Paul Leerhoff
Jeff Reints
Carla Mulder
Habbo Fokkena

Others:

Misty Day, Zoning Administrator
Levi & Samantha Pratt
Steph & Preston Herrmann
Bill & Patty Nelson
Dennis White

Gerdes called the meeting to order at 7:30 a.m.

A motion to approve the Agenda, with a correction to move the Old Business agenda item to the end of the meeting, and minutes of the previous meeting dated June 27, 2023, was made by Habbo Fokkena and seconded by Jeff Reints. Motion passed.

Public Hearing:

Gerdes opened the public hearing on an application by Preston and Stephanie Herrmann for a variance to CSR requirements to build a single-family residence in the A-1 District. The proposed 9.84-acre parcel is owned by Beverly Schmadeke and is located in the SE ¼ of section 17, Township 92 North and Range 15 West of the 5th P.M.

Administrator Day stated that the applicants were proposing a 9.84-acre parcel which had an average CSR of 86.5. Stephanie & Preston Herrmann were present on behalf of their request and stated that this proposed parcel is owned by Stephanie's grandmother and is currently in a CRP program, despite having a higher CSR it is still low-producing farm ground and that is why it is in the CRP program. The Herrmanns stated that they have two other family members who reside in this Section and want to build their home close to family. Discussion was had regarding the CRP and it was determined that the property will need to be taken back out of CRP before they build their home although it will be 2-3 years before they are able to do that. Discussion was had regarding the proposed site location, and it was determined that everything to the West is floodplain and this parcel is above a ravine that is separated from low ground. Paul Leerhoff inquired as to what would happen if they build before the CRP expired and whether they would have to pay money back for that. Herrmanns stated that if that were to happen, they would only take out enough for the building site and leave the rest in CRP until it expires. Herrmanns further stated that they like the convenience to the bike trail and talked about row-cropping the remainder of the parcel when it comes out of CRP but have no plans to sell and would like to keep the entire ground in the family. Paul Leerhoff stated that even though the CSRs are high he doesn't see it as prime AG land. Jeff Reints stated that that particular soil type is considered prime but didn't have any concerns with the proposal. Dennis White was also present and questioned access for the driveway but has no issues with this request. It was determined that access would be across from

the Stirlings driveway. Administrator Day stated that the County Engineer has reviewed the proposed driveway and has no concerns with an additional driveway at this location. Administrator Day also stated that the access does cross the County bike trail and she has confirmed that the County Conservation Board approved an easement to access this proposed parcel.

Public Hearing was closed.

Discussion by the Board was had and they asked an additional question of the applicant as to whether any other buildings were planned and it was determined that a machine shed might be possible in the future. Habbo Fokkena stated that he felt it was an odd ball parcel and it would be better suited as a building site than farm ground.

A motion was made to approve the variance by Jeff Reints and was seconded by Carla Mulder. Motion was unanimously approved.

Public Hearing #2

Gerdes opened the public hearing on an application by Levi & Samantha Pratt for a variance to CSR requirements to build a single-family residence in the A-1 District on an existing 24-acre Parcel located in the E ½ E½ NW ¼ except tracts of section 25, Township 90 North and Range 15 West of the P.M.

Administrator Day stated that the 24-acre parcel is located between 320th St and Beaver Valley Rd and the average CSR is 79.5. Levi and Samantha were present on behalf of their request and stated that the land was gifted to Levi by his grandfather, Richard Corwin, and they have been in the process of cleaning the property up. Levi stated that he works as a mechanic and would like to build a Shouse to have more space for storage and to work on vehicles. Levi stated that Simon Gingerich would be designing the Shouse but they are still in the very preliminary stages. Discussion was had regarding the building location and the Pratts stated that they would like to be able to build anywhere on the property but are looking more towards the North end.

Administrator Day provided the Board with a letter from Pat Galles, attorney for Bill and Patty Nelson and the Richard Corwin Estate, which is attached hereto, and which stated disapproval for the variance due to such a high CSR value. Levi addressed the letter from Pat Galles and stated there were differences between he and the Nelsons due to a house he inherited on a separate lot which he opted to sell out due to the age of the house and it being located on a parcel he would not own and that he is no longer involved in the Estate settlement.

Discussion was had on driveway access; the Pratts would like to have the driveway off of Beaver Valley Road to the South and if they build on the North end they would extend the driveway through the entire parcel. Bill and Patty Nelson were present in opposition of the variance and stated that it's a Century Farm that Patty's great grandparents farmed, and Dick was concerned that Levi would just sell off any ground he inherited and that he wanted to keep the entire farm in the family. Originally there was a 10-yr. condition placed on the entire farm that the family had first right to buy, but they couldn't realistically do that because that would keep the Estate open for 10 years so they opted to settle with Levi even though that was not the intent of the Estate. The Nelsons further stated that there is no site plan and they were concerned with the entire 24 acres being open to building on. The Nelsons also expressed concerns with a fence line establishing a

property line boundary and Levi encroaching on that with the clean-up he is currently doing on the property.

The Board stated that the Township Trustees can establish a fence line to handle the fence line dispute. Habbo Fokkena stated that he felt a lot of the concerns raised were litigation driven and falls outside of the Board. There was further discussion on driveway access and it was determined that there is also access from the gravel road to the North. Discussion was also had in relation to the car mechanics and Administrative Day advised the applicants that any mechanical operation outside of personal use would be subject to Home Industry approval and she also brought the junk yard definition to their attention which states that more than 3 inoperable vehicles on a property constitutes a junk yard in violation of the ordinance. Discussion was had regarding where the Pratts resided now and it was determined that they live in Parkersburg. Discussion was had regarding what the remainder of the parcel would be utilized for and it was determined that they would continue to farm the remainder, which they currently rent out.

The Board discussed tabling the hearing until the Pratts visited with a contractor and had more concrete building plans and location since it is such a large parcel, they typically deal with a couple of acre parcel requests that are a little more specific on location.

Paul Leeroff made a motion to table the public hearing for up to one-year to allow for the Pratts to submit a more definitive site plan on size and location of building site and was seconded by Habbo Fokkena. Motion was unanimously approved.

Old Business:

Administrative Day updated the Board on the Comprehensive Plan update and stated that the task force just completed their series of meetings and INRCOG will work on drafting goals to bring to the Planning & Zoning Commission for review.

Administrator Day also updated the Board on the Navigator project and stated that they have withdrawn their application with the Iowa Utilities Board so the proposed pipeline in Butler County was no longer in the works. That doesn't mean it won't be proposed again in the future, but it is no longer moving forward as of now.

The Board inquired about the Landis site by Kesley that was rezoned to accommodate their grain site a few years back, which has now been bought by DeGrootes and is being returned to farm ground. The Board would like Administrator Day to send DeGrootes a letter to see if they would be in favor of rezoning this parcel back to A-1 since it is significantly high CSR ground.

A motion to adjourn the meeting was made by Jeff Reints and seconded by Habbo Fokkena. Meeting adjourned.

Misty Day, Zoning Administrator

