

Board of Adjustment Meeting Minutes
12/20/22
Butler County Courthouse

Present

Board of Adjustment members:

Mark Gerdes

Paul Leerhoff

Jeff Reints *via phone*

Carla Mulder

Absent

Fern Feldman

Others:

Misty Day, Zoning Administrator

Scott Edwards

Andrew Edwards

Mark Gerdes called the meeting to order at 7:40 a.m.

A motion to approve the Agenda with the addition of consideration of the minutes from June 28, 2022, and to approve the minutes dated June 28, 2022, and August 30, 2022, was made by Paul Leerhoff and seconded by Mark Gerdes. Motion passed.

Old Business:

None.

Public Hearing:

Chair Gerdes opened the public hearing on a request by Scott and LaVonne Edwards for a side yard setback variance for two existing buildings that need to be separated into separate parcels located at 26151 Westbrook Rd in the SW¼ in Section 35, Township 90 N, Range 16 W. Administrator Day presented her staff report and stated that the applicant has an existing fabrication shop that has been family owned and operated for many years and they are now wanting to split off the fabrication shop into a separate lot in order to transfer to their son and expand the building but due to the close proximity between the fabrication shop and the existing house, the applicants were requesting a side yard setback variance. Administrator Day stated that the side yard setback required for the house is 25 ft and the side yard setback required for the fabrication shop is 30 ft and there is only 20 ft between the two buildings and the setbacks could not be met. Administrator Day further stated that in order to come into compliance with zoning requirements to expand their building, they would need to rezone 2 acres to "M" Manufacturing but they wanted to get approval for a reduced side yard setback before they initiated the survey and requested the rezone.

Scott and Andrew Edwards were present on behalf of the application and stated that the portion of the building closest to the house is office space so the actual fabrication portion of the building was further away. At the time the building was constructed, they did not expect to ever expand

but now they are out of room and they want to bring things into compliance with County zoning requirements. The Edwards stated that they plan to keep the business in the family and do not intend to sell. The Edwards stated that they perform specialty welding and fabrication, with some repair work.

Administrator Day received no written or oral comments. Discussion was had regarding notice to the adjoining property owners that resided across the road in Grundy County and it was determined that notices were sent to all property owners within 500 ft including the ones in Grundy County. Discussion was had regarding the adjacent property owners and it was determined that most of the surrounding ground was owned by the same owner who did contact the Edwards after receiving the notices in the mail. The Edwards reported that they did not have any concerns. Discussion was had regarding number of employees they plan to have and it was determined that more than likely Scott and Andrew will remain as the only two employees. Discussion was had regarding the septic system and it was determined that the septic system installed in 2002 serves both the house and the fabrication shop and the well is shared between the two buildings. Administrator Day advised that in the event that they do hire more employees, they may want to consider installing a separate system for the shop, and they may want to explore a shared well agreement for future use. Discussion was had regarding whether a special exception permit would be required after the fabrication shop was rezoned and it was determined that it was an outright permitted used in the "M" District and no special exception would be needed.

Public Hearing was closed.

A motion was made to approve the special exception permit by Carla Mulder and was seconded by Paul Leerhoff. Motion was unanimously approved.

New Business:

Administrator Day informed the Board that she has been directed to work with an attorney on developing a hazardous pipeline ordinance and from the proposed ordinances she has seen, the Board of Adjustment would be involved in the review of any projects submitted although it is up to the Zoning Commission to work through the proposed ordinance.

A motion to adjourn the meeting was made by Paul Leerhoff and seconded by Carla Mulder. Meeting adjourned.

Misty Day, Zoning Administrator

