

Board of Adjustment Meeting Minutes  
12/28/21  
Butler County Courthouse

**Present**

Board of Adjustment members:

Paul Leerhoff

Jeff Reints

*Via Phone Conference*

Jim Siebrands

Mark Gerdes

Fern Feldman

Others:

Misty Day, Zoning Administrator

Kyle Helland

Roger Patterson

Jim Patterson

Kresney Johnson

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

A motion to approve the Agenda was made by Jeff Reints and was seconded by Mark Gerdes. Motion passed.

A motion to approve the minutes of the previous meeting dated June 29, 2021, was made by Fern Feldman and was seconded by Jim Siebrands. Motion passed.

**Old Business:**

Zoning Administrator Day updated the Board regarding the ammunition plant that was approved at the last meeting. Administrator Day contacted Mr. Roepke and he indicated that he was unable to open the plant due to a conflict with the owner. The Board of Adjustment suggested that Administrator Day reach out to Jeff Kolb with Economic Development to see if he could assist in finding a new location to house this facility.

**Public Hearing:**

Vice-Chair Leerhoff opened the public hearing on an application by Steve Koop for a variance to expand landowners holding without a minor plat in the SW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> in Section 30, Township 90 N, Range 15 W of the 5th P.M. Administrator Day presented her staff report and stated that Mr. Kopp had previously split off Parcels I and J in 2019, one which was combined with an existing lot and the other that was creating a new building lot. At that time, the minor subdivision plat requirements were not triggered and Mr. Koop had to obtain a variance because the CSR did not meet the requirements for a buildable lot. During that meeting, Administrator Day had expressed concerns regarding the remainder ground being further split off and that proper subdivision requirements should be adhered to. The Board of Adjustment granted that variance as long as the producible farm ground was not taken out of production. The applicant is now wanting to divide that

producible farm ground and combine it with the two previous parcels, essentially creating a major subdivision. Kyle Helland was present on behalf of the application and stated that they were requesting a variance from the subdivision requirements as this was essentially providing bigger lots to two current property owners and that it is not intended to be developed. Administrator Day clarified that the Board can not grant a variance to the Subdivision requirements but because the previous variance was approved with the understanding that this parcel would not be taken out of production, she felt this needed to come back to the Board of Adjustment for review. Administrator Day stated that in order to avoid the major subdivision requirements, these parcels should be officially combined into two single parcels with a retracement survey. Surveyor Helland expressed concerns with that due to mortgage requirements and suggested that a Deed Restriction could be executed instead.

Discussion was had regarding the combining of the lots versus a Deed Restriction and it was determined that resurveying these lots into two single parcels would be the cleanest route, otherwise a Subdivision Plat would be required.

A motion to approve the split with the stipulation that the lots would be combined within 120 days after they transfer ownership was made by Mark Gerdes and was seconded by Fern Feldman. Motion was unanimously approved.

Vice-Chair Leerhoff opened the public hearing on an application by Craig Johnson for a variance to CSR requirements for a buildable lot in the SE¼ of Section 15, Township 91 N, Range 15 W of the 5th P.M. Administrator Day presented her staff report and stated that this a 154 acre parcel that Craig inherited and he is wanting to retain approximately 6.36 acres, including a farm pond, to build a new house. Administrator Day stated that the farm pond is actually the higher CSR ground but because it was a high CSR, this would not meet the CSR requirements even though the farm ground itself was lower CSR.

Kresney Jonhson was present on behalf of her application and stated that after inheriting the property, they moved back to the existing acreage site on this parcel and fell in love with the Shell Rock area. Mrs. Johnson stated that the original farmstead is in rough shape and they are wanting to build a house around the pond and hope that their daughter will take over the existing farmstead. The remainder of the ground will be sold off as farm ground. Discussion was had regarding the pond and it was determined that it has been pond since the early 60s and hasn't been farmed since. Discussion was regarding a conflict of interest with Board Member Reints as the future buyer to the farmland and it was determined that he would abstain from voting.

There were neighbors also present for the hearing. They stated that they were there to meet the new neighbors and were just curious about the hearing itself. They had no objections and were in support of the variance.

A motion to approve the CSR variance was made by Jim Siebrands and was seconded by Fern Feldman. Motion passed with Board Member Jeff Reints abstaining.

**New Business:**

Administrator Day provided the Board with a synopsis of the proposed changes to the Zoning Ordinance and stated that INRCOG was in the process of reviewing the proposed changes and finalizing the ordinance.

Administrator Day informed the Board of Jim Siebrands decision to retire from the Board and the Board thanked him for his years of service.

Motion to adjourn was made by Jim Siebrands and was seconded by Jeff Reints.

Misty Day, Zoning Administrator

A handwritten signature in blue ink that reads "Misty Day". The signature is written in a cursive, flowing style.