

Board of Adjustment Meeting Minutes
5/23/2023
Butler County Courthouse

Present

Board of Adjustment members:

Paul Leerhoff

Jeff Reints

Carla Mulder

Habbo Fokkena

Mark Gerdes

Others:

Misty Day, Zoning Administrator

Drew Rogers, Greene

Donald Wahlgren, Greene

Melinda McWilliams, Greene

Dennis McWilliams, Greene

Karen Sienknecht, Gladbrook

Doug Sienknecht, Gladbrook

Cheryl Wordes, Shell Rock

Jessica Dobbs & kids, Shell Rock

Tony Nicolaus, Greene

The meeting was called to order at 7:30a.m. by chairman, Mark Gerdes. Roll call was taken with all members present.

A motion to approve the Agenda and the Minutes dated April 25, 2023, was made by Paul Leeroff and seconded by Jeff Reints. Motion passed.

Old Business:

None

Public Hearing:

Chair Gerdes opened the public hearing on an application by Anthony Nicolaus for a special exception to split off a 3-acre parcel across from his residence to build an accessory storage building located in the NW¼ of Section 2, Township 93 North, Range 17 West of the 5th P.M.

Administrator Day presented her staff report and stated that Tony & Roxie Nicolaus purchased Lots 18 & 19 of Riverview Estates Subdivision in 2022, which is approximately 1.22 acres in size. The Restrictive Covenants for the Subdivision do not allow them to build an outbuilding or an accessory building on their existing lot. They are wanting to split off a parcel from the farm ground across the road to build a shop to store trailers, tractors and mowers that are currently sitting outside in their yard. Mr. Nicolaus also owns a confinement maintenance & repair business that is located in Allison and thought that he would also want to store excess inventory in the shop as well.

Applicant Nicolaus was present on behalf of his application and stated that he would like to purchase 3 acres from the farm ground across the road and the proposed parcel was derived from McCandless wanting to square off his farm ground. Mr. Nicolaus stated that he wants to build a

60'x 90' building further back by the trees for the sole purpose of cleaning up what is currently stored in his yard including trucks, trailers, boats and tractors. Concerns were raised about Mr. Nicolaus opening this shop as his place of business and Mr. Nicolaus stated that there will be emergency inventory stored there or bring home inventory for the next day's job, but the business and clients will remain in Allison.

There was discussion on the zoning classification, future buildings and primary uses. There was discussion on ownership and it was determined that McCandless owns the proposed lot and submitted a letter of consent for Mr. Nicolaus to apply for this special exception. Discussion was had regarding AG use and whether McCandless would be able to build as the farm ground stood and it was determined that he would because it would be more than 35 acres and for AG use. Concerns with road conditions and delivery trucks were raised and Tony stated that all deliveries will still come to Allison. There were also concerns about the building blocking the view, comments that there is an existing garage on the house, and that a new building would be an eyesore. Those present had an opportunity to ask Mr. Nicolaus questions about the proposed building.

Neighbor Christensen wrote a letter with concerns regarding road traffic and road conditions if this was going to operate as a business which was read by Administrator Day. It was reiterated that the sole purpose of this building is for storage. Administrator Day read the standards for granting a special exception from Section XXII(G)(4) of the Butler County Zoning Ordinance prior to Chair Gerdes closing the public hearing.

Public Hearing was closed.

Discussion was had by the Board. Paul Leerhoff stated that he did not have any issues with the proposal and moved to approve. Some discussion was had regarding placing a stipulation on the approval and Jeff Reints suggested that they add to the motion that this would stay a non-commercial use.

A motion was made to approve the variance with the stipulation that this will remain a non-commercial use by Paul Leerhoff and was seconded by Carla Mulder. Motion was unanimously approved.

Public hearing on a request by Cheryl Wordes for a variance to the minimum lot size and setback requirements for a single -family residence located at 22387 Glen Hall RD in the NW NE & SW NE section2, Township 90 North Range 15 West of the 5th P.M.

Administrator Day presented her staff report and stated that applicant Cheryl Wordes had contacted her about wanting to bring in a modular home to replace the old existing house. This lot is currently 1.14 acres and the Butler County Zoning Ordinance requires a minimum lot size of 1.5 acres, creating a non-conforming lot. Since Cheryl is wanting to reside in the old house until the new house is finalized, her space to place the modular home is limited and she does not feel that she would be able to meet the 50 ft setback from the road right-of-way and is also requesting a variance to the front yard setback. Administrator Day read the standards for granting a variance from Section XXII(G)(4) of the Butler County Zoning Ordinance.

Applicant Wordes was present on behalf of her request and stated that she is looking at an August delivery for a 30' x 70' modular home to accommodate herself and her mom. The home will be more handicap accessible and will sit approximately 20-30 ft from the right-of-way which is a dead-end road. Ms. Wordes is wanting to live in the 1880's house while the modular house is being

built, which should take about 4 months to finish. Ms. Wordes states that the existing house is older, has sloping floors and just isn't in great condition for her long-term goal of caring for her mother and residing there as she ages.

Paul Leerhoff stated that it seems there is enough room for the new home to meet the setbacks if the old one can be torn down first. Ms. Wordes stated that she has animals and it just isn't feasible to reside with a family member during construction as they also have animals. There was a question on the time frame for the tear down and whether there should be a stipulation added to the motion and it was determined that the ordinance states it must be torn down within one year. Discussion was had regarding utilities and it was determined that the new home will be hooked up to rural water and a new septic system will be installed as the existing system is not up to Code standards.

A motion to approve the variance was made by Jeff Reints and was seconded by Habbo Fokkena. Motion passed.

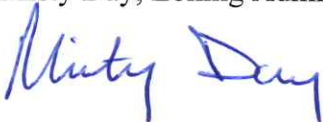
New Business:

Administrator Day updated the Board about a possible special exception/variance request for Todd Merryweather which will tentatively be scheduled for June 27th.

Administrator Day updated the Board regarding the Hazardous Liquid Pipeline Ordinance and stated that the 2nd reading was scheduled for May 30th. There was not a date for the 3rd reading scheduled yet as the Supervisors were wanting to see if a decision would be rendered in the Summit/Shelby County Injunction case.

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

Misty Day, Zoning Administrator



To:
Butler County Zoning Administrator
Butler County Courthouse
P.O. Box 325
Allison, IA 50602

RE:
Board of Adjustment Hearing Request by Anthony Nicolaus

Thursday, May 18, 2023

Zoning Administrator and Board of Adjustment members:

As an adjacent landowner, I received notification and information (copy enclosed of the notice) of this request for a special exception requested by Mr. Nicolaus.

I am unable to attend this meeting next Tuesday morning due to work travel, but if I was able to be present, I would ask one question: is this exception and intention to build a storage building across the road from his personal residence going to be used solely for personal storage, or is this going to be for business use?

Our road is already experiences significant traffic for many agricultural trucks and other residential & recreational vehicles, and as a result, it is in poor condition several times a year – so additional traffic would **not be welcomed if it is going to be used for business purposes at this site. I would oppose the exception, and building construction, if that was the case.** If it is simply for personal storage of watercraft or other equipment this seems like a personal decision to make such a significant purchase of the land and construct said storage building, but I would not oppose the exception if only for personal use.

Thank you for being open to accepting this feedback, and I hope others will also be present or share their comments with you from our neighborhood. I will support the adjustment board on their final decision. Thank you for your service.

Sincerely,



Keith Christensen
10308 Riverside Road
Greene, Iowa 50636