

Board of Adjustment Meeting Minutes  
7/9/2024  
Butler County Courthouse

**Present**

Board of Adjustment members:

Mark Gerdes  
Paul Leerhoff  
Jeff Reints  
Habbo Fokkena

**Absent**

Carla Mulder

Others:

Misty Kofron, Zoning Administrator  
David Kramer – Clarksville  
Jeff Kramer – Clarksville  
Frank Carroll – Clarksville  
Megan Gingerich – New Hartford  
Simon Gingerich – New Hartford  
Steve Burrell – New Hartford  
Brad Feckers – New Hartford  
Jon Biederman – Fehr Graham  
Floyd Hachman – BRB  
Ron Fadness BRB  
Stephanie Smith – New Hartford  
Angie Miller – New Hartford  
Jeff & Lori Harrington – New Hartford  
Karen Williams – Clarksville

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

A motion to approve the Agenda and Minutes of the previous meeting dated 6/11/24 was made by Paul Leerhoff and seconded by Habbo Fokkena. Motion passed.

**Old Business:**

None

**Public Hearing:**

Mark Gerdes opened the public hearing on an application by Bruening Rock Products for a special exception and request for variance to setback requirements for expansion of their limestone quarry on a parcel located at 18131 Vail Ave in the NE ¼ NE ¼ of section 16, Township 92 North, Range 15 West of the 5<sup>th</sup> P.M.

Administrator Kofron presented her staff report explaining that the parcel was rezoned to A-2 in March and the commercial extraction uses are also required to obtain a special use permit from the Board of Adjustment which requires them to submit detailed plans regarding the expansion as

found in Section X(C) 1 on page 56 & 57, which was included in their application and provided to the Board prior to the meeting.

Administrator Kofron also stated the average CSR for this parcel is 51.2 so it is not prime farm ground. The very NW corner of this parcel is in the 100-year floodplain. Our ordinance does require a 100' setback between the excavation and the creek along with stricter setbacks than other uses allowed in the district. BRP has also submitted a request for a variance to the setbacks. Administrator Kofron noted that there is an existing acreage on this parcel and the owners will have 5 years to find another place to live at which time the house will be demolished.

The representative for BRP stated that they anticipate only excavating 1 acre per year with potential of 2 acres per year during busier seasons. David Kramer inquired as to what was going to happen with his farm lease and BRP assured him that he could continue to farm the tillable ground. Fehr Graham was present on behalf of BRP and stated they are looking to excavate approximately 60,000 ton a year with a 30 ft deep extraction that will go from South to North. They will access this through the existing main entrance with the acreage driveway being a secondary driveway. A purchase agreement has been signed for the acreage and they are just waiting for the zoning approval.

Karen Williams, who resides across the road, had questions about the setbacks. Administrator Kofron stated that the setback variance should be handled separately but ultimately, they are requesting the variance from her property line be reduced from 400' to 141'.

The Board had questions about reclamation after 20 years when the quarry is done. BRP stated that as they mine it they will be planting native plants and let nature reclaim the ground. The County Engineer reviewed the application but was unable to attend the meeting. He did have questions on whether the quarry would be locked and how often they would be crushing. BRP stated that they would have a locked gate but may consider a permanent operator down the road. They would only be crushing one time a year and stockpiling material unless projects came up that needed additional material.

Public Hearing was closed.

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

## **Public Hearing #2**

Mark Gerdes opened the public hearing on Bruening Rock Products request for variances to the setback requirements from the road ROW and from the acreage that is located across the road. BRP's application states why they feel the variance should be granted per the standards found in Butler County's Zoning Ordinance. Administrator Kofron stated that the setbacks for a quarry is that no excavation, quarry wall, or storage area shall be located within one hundred twenty-five (125) feet from any street right-of-way and four hundred (400) feet from any residential property. BRP is requesting that the setback to the ROW be reduced to 75' and the setback to the acreage property be reduced to 141' instead of 400'.

Discussion was had regarding where the setbacks came from and it was determined that these were setbacks proposed by INRCOG during the zoning ordinance update and is probably similar to

other county zoning ordinances. The adjacent property owner was sent a letter regarding this variance, and she is ok with the reduction of the setbacks.

Public Hearing was closed.

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

### **Public Hearing #3**

Mark Gerdes opened the third public hearing on an application by Simon & Megan Gingerich for a special exception to host special events at 32301 Willow Ave in the NE¼ of Section 27, Township 90 North, Range 15 West of the 5th P.M.

Administrator Kofron presented her staff report and stated that this request is regarding an existing barndominium that the owners would like to host events in with attendance ranging from 50-200 people. This application derives from a complaint that the county received about an event that the applicant had already hosted that caused an excessive number of cars to be parked along the road. The complaint also indicated that the applicant was advertising this facility for events to the public, which caused the neighbors to question whether this was approved by the County.

Administrator Kofron stated that her initial concerns include parking as this parcel does not have adequate space for a 200-person event and having this many cars parked on the road has already caused complaints and creates a safety hazard. Administrator Kofron also expressed concerns regarding the septic system for the barndominium, as the system was sized to accommodate a traditional shop and was not designed nor approved to accommodate large scale events. According to code this system would need to be sized for the max capacity planned to utilize the venue and based on a 200-person event, the system would need approval from the DNR as it would exceed the gallons per day permitted at the County level. Administrator Kofron stated that bringing in porta potties during an event could be a solution. Administrator Kofron stated that public safety is also an issue to consider. While Butler County does not have building codes adopted at the County level, there are State standards regarding max occupancy and sprinkler systems for event venues that would need to be considered. Administrator Kofron also stated that if the owners intend to provide services for food or alcohol, there are additional State permits and inspections that may be required from the Iowa Alcohol Division and IDALS. The Gingerichs' have not expressed intent of providing these services, but it should be addressed if necessary.

Simon & Megan Gingerich were present of behalf of the request and stated that they do not want a full-scale event center, they would host 4-5 events per year including a family wedding that is planned in October and that they only intend for close family and friends to use it for events. Gingerich also stated that they plan to utilize the field to the South for parking and encourage carpooling and/or busses to limit the number of cars attending events.

Discussion was had regarding the sprinkler system. The Board stated that they felt the sprinkler system was a big factor and inquired as to whether they would be willing to install a sprinkler system for this facility. Gingerich stated that they are not willing to put in a sprinkler system at this time. Discussion was had on whether a fee is charged for use of the facility, and it was determined that some have been charged a rental fee in order to cover costs.

Bill Smith of Parkersburg stated his concerns about the parking. Family events wouldn't be an issue, but he is concerned about the open endness of the proposal. He also stated that he is against the fireworks, rerouting drainage to the pond, the dust, noise and the whole project.

Mr. and Mrs. Harrington stated that their driveway is being used as a turnaround and the parking on the road is cumbersome and hard for traffic to get through.

Brad Feckers, who farms a lot of ground in the area and drives this road frequently, stated that the parking is an issue. There have been 2 events where cars were lined up along the road. He is also concerned due to the fact that weddings are usually in the spring and fall when farming traffic is at its highest. There is a lot of farm to market traffic on this road making it one of the busiest roads in the County.

Steve Burrell agreed that the concerns expressed are valid and approving a special exception permit for an event venue would set a precedent for not just this current owner, but future owners who would be able to continue using it as an event venue. Steve also stated that there is a blind hill where cars have been parked and the ditches are deep creating safety concerns, and he wonders if there would be enough room for emergency vehicles if they needed to access this road during an event. Steve feels planned events are not in good keeping of the area due to the road and the traffic it will generate. Steve also stated that they also have a formal rental agreement and disagrees with their statement that this is purely for family and close friends.

Upon being asked about whether they have a formal rental agreement, the Gingerichs confirmed that they did. Habbo Fokkena stated that he feels the concerns about safety and the Fire Marshall's max occupancy and sprinkler system requirements to be legitimate and that the Board should not put its stamp of approval on this request until those issues have been addressed. Mark Gerdes stated that he does not feel the sister's wedding in October is in their purview to regulate as those events happen all of the time.

Public Hearing was closed.

A motion was made to deny the request by Habbo Fokkena and was seconded by Mark Gerdes. Motion passed and the special exception permit was denied.

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

Misty Kofron, Zoning Administrator

