

Board of Adjustment Meeting Minutes
Butler County Courthouse
11/25/2025

Present

Board of Adjustment members:

Mark Gerdes
Kevin Toben
Jeff Reints
Carla Mulder via zoom
Habbo Fokkena

Absent

Others:

Misty Kofron, Zoning Administrator
Jamie Landers, Bristow
Ethan Landers, Bristow
Bruce Miller, Bristow

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

A motion to approve the Agenda was made by Habbo Fokkena and seconded by Carla Mulder. Motion passed.

A motion to approve the minutes of the previous meeting dated 5/27/2025, was made by Habbo Fokkena and seconded by Carla Mulder. Motion passed.

Old Business:

Mileage Logs for board members.

Public Hearing:

Chairman Gerdes opened the public hearing on an application by Ethan & Jamie Landers for a variance to the 50' road right-of-way setback for a pole building located at 16253 Hickory Ave, Bristow, in the SE Corner NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 6, West Point Township 92 North, Range 17 West of the 5th P.M.

Ethan Landers was there on behalf of his request and stated that he was unaware of needing a permit in the country until a conversation he had with a coworker. He contacted Misty the day after construction started and she came out right away and confirmed that they were too close to the road right-of-way. The construction workers already had the building framed up, but they called everything else off so there is no concrete or electricity yet, just the shell. Ethan stated that they understand this is their fault but getting a building permit didn't cross their mind at the time.

Administrator Kofron gave her staff report: Ethan & Jamie Landers own the residence located at 16253 Hickory Ave, which is an existing acreage site that they built a new dwelling on in 2020 which they did get a building permit for at that time. Ethan contacted me last week to inquire whether a building permit was needed for a shop that they had already started constructing, stating that he didn't even think about needing one until he was talking with a co-worker. I went to the site that same afternoon to look at his setbacks because it sounded like he may have been too close

to the road right-of-way. Upon taking a GPS locate and measuring to the road right-of-way, we discovered that the building was only 33 ft from the ROW instead of the 50 ft that our Zoning Ordinance requires.

Administrator Kofron read an email from the County Engineer stating that he reviewed the site and it appears to not interfere with the road right of way and he sees no issues in the future. He recommends a variance be given to the setback requirements.

Discussion was had regarding what it would take to move the building back and the Landers stated that they would have to take it down and start all over, adding \$50,000 to their project. Discussion was had regarding when they found out they were in violation of the setback and Jamie replied on the second day of construction. The Board questioned whether the contractor said anything about needing a permit and Ethan replied that only when speaking with his coworker did he realize he might need a building permit.

Bruce Miller asked if you can just build a building anywhere and ask for forgiveness later and Chair Gerdes stated that he has been guilty of that, but he also owns more than 35 acres and is AG exempt. Administrator Kofron explained that this is where it gets confusing, there is an assumption that you don't need building permits in the country, so a lot of people don't call ahead of time. Then there is also an Ag exemption where farm buildings are exempt from setbacks and some zoning requirements, but you must have at least 35 acres and actively farm.

Discussion was had regarding what the shed would be used for and Ethan replied for storage and for the kids to play, eventually they will get a few animals for the kids.

Mark asked if there were any questions from anyone else and on zoom.

Public Hearing was closed.

Administrator explained there is a fine for not getting a permit before construction that will be assessed to their permit fee and she also had a call from a John Zimmerman who just had questions but no major concerns

A motion was made to grant the variance by Jeff Reints and was seconded by Habbo Fokkena. Motion was unanimously approved.

New Business:

No new business

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

Misty Kofron, Zoning Administrator

