

Board of Adjustment Meeting Minutes

5/27/25

Butler County Courthouse

**Present**

Board of Adjustment members:

Kevin Toben

Jeff Reints

Habbo Fokkena

**Absent**

Carla Mulder

Mark Gerdes

Others:

Misty Kofron, Zoning Administrator

Mary Engelkes

Habbo Fokkena called the meeting to order at 7:30 a.m.

A motion to approve the agenda and the minutes dated 4/22/25, was made by Jeff Reints and seconded by Kevin Toben. Motion passed.

**Old Business:**

None.

**Public Hearing:**

Habbo opened the public hearing on an application by Mary Engelkes for a variance request to split an acreage site from the farm ground located at 23654 Railroad St, Parkersburg, in the NW corner of Section 29, Albion Township 90 North, Range 16 West of the 5<sup>th</sup> P.M.

Administrator Kofron gave her staff report

Mary Engelkes was present on behalf of her request. Mary explained that her parents originally bought the farmstead in 1967 and the house at that time was ancient with no indoor plumbing, very basic. Mary's parents built a new house on the acreage and then acquired the surrounding farmland when it came up for sale in 1987. In 1998, they built a new handicap accessible house on the farm ground next to the existing acreage for Mary's mother to live in after her father passed away, and sold the original acreage to her aunt and uncle, which their son lives in now. She recalls that John Spain had rented the farmland from them since the 1980's when they first purchased it and would like his family to be able to purchase the farmland now. While Mary never planned on selling, she can no longer take care of the acreage and she would like to be able to sell the acreage to a family that would enjoy it like she has. John Spain's son is interested in the farmland but doesn't want the acreage and she has had a lot of interest over the years in the acreage due to it being so close to Parkersburg.

Administrator Kofron went over the zoning requirements for building in the agricultural district, which requires a minimum of 35 acres, unless it is an existing acreage as of 1978 when the ordinance was adopted or has an average CSR less than 70. Since this acreage was established in

1998 after that ordinance adoption date and the CSRs for the acreage are over 70, it doesn't meet the criteria for an acreage site less than 35 acres and that is why Mary is requesting a variance to split the acreage from the farmland. Administrator Kofron researched the property and assumed that the new dwelling built in 1998 was built under the Ag exemption criteria because the entirety of the farmland was over the 35-acre threshold.

The Board reviewed the aerials with Mary pointing out where the house and building were located on the acreage. Discussion was had regarding the proposed acreage size, and it was determined the new acreage site would be about 2 acres. Discussion was had regarding the septic and well and it was determined that there was a septic system that was permitted when the house was built, although it would be required to be inspected before Mary could sell the acreage. Mary confirmed that both acreages have a separate well with hers being roughly 200 feet deep. Discussion was had regarding whether Mary was selling the farmland too, and Mary clarified that Steve Spain is planning on buying the farmland and she will sell the acreage at a later time. Mary said she has had other people interested in purchasing the farmland for development, but she wants to see it remain as agricultural land and feels their long-term tenant would continue farming it.

The Board asked if there was anything Administrator Kofron wanted to add. Administrator Kofron pointed out that this acreage was North of a city subdivision with other residences close by. While the acreage didn't exist in 1978, it has been there for several years and is a well-established acreage. Kofron stated she felt this variance wouldn't create any special circumstance for the property owner and that the acreage fits into the use of the surrounding area. Discussion was had regarding the AG exemption and whether this property slipped through and Administrator Kofron stated she looked back and there were several variances to build on higher CSR farm ground at that time and wondered if the County had let her build there under an Ag exemption. Mary remembers having to work at the time and her mom went to their lawyer in Grundy Center, but she doesn't know what was said and she couldn't find any letters on it. Administrator Kofron stated the County Sanitarian was also the Zoning Administrator at that time, and he did issue the septic and well permits so he was aware of the construction and that was why she felt it was built without a variance due to the Ag exemption.

The Board wondered if there was more room for additional residences, referencing the aerial. Administrator Kofron stated that being so close to the city, any additional development would require the area to be annexed into the city of Parkersburg, forcing them to go through the city's process. Mary explained how the triangle lot across the road would be impossible to build on since it was originally dug out for an overpass for a railroad. In normal years it floods and most of the trees are dying.

No comments were received by the Administrator.

Discussion was had regarding the minor subdivision and Kofron stated that that would be Mary's next step, she would have to survey off the acreage, and it will have to go through our minor subdivision plat process and get approval from the Zoning Commission and the Supervisors. Kofron explained that a minor subdivision plat is triggered when you have 3 or more parcels in a  $\frac{1}{4}$   $\frac{1}{4}$  section and since there are already a couple of established parcels already, this split would trigger those minor plat requirements. Administrator Kofron explained to the owner that she has already spoken to the surveyor about this process, and she would be getting additional paperwork from her attorney to record the plat. The Board asked if there was a way to bypass that process and Administrator Kofron stated that subdivision requirements could not be bypassed.

Public Hearing was closed.

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

**New Business:**

Legislative Updates

Administrator Kofron stated there were a few bills that were passed pertaining to zoning. There was a bill that now requires Counties to allow accessory dwelling units as a permitted use as long as the accessory dwelling unit does not exceed 1000 sq ft or 50% the size of the main dwelling. Basically, accessory dwelling units must now be treated the same as the main dwelling and the County can no longer require a special exception or other approval process that the main dwelling wouldn't be required to go through. The Board inquired as to whether mobile homes could be used as an accessory dwelling and Administrator Kofron explained that as long as Butler County doesn't allow them for a main dwelling, we don't have to allow them for an accessory dwelling unit either. They would still have to adhere to our septic system ordinances.

The other legislative bill relates to variances, which changes the criteria for granting a variance from an undue hardship to a practical difficulty standard. Administrator Kofron stated that she did look at our zoning ordinance and practical difficulty is referenced in our variance standards, so we are already taking that into consideration. Kofron says it is her understanding that undue hardship criteria is when an extreme financial burden is created and practical difficulty would look at the actual physical nature of the property and whether the ordinance can be practically enforced for that site, making it a little easier to get a variance.

The other bill regarding eminent domain is still on the Governor's desk. Discussions were had on what the Governor can and can't do right now with this bill.

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

Misty Kofron, Zoning Administrator

