

Planning & Zoning Meeting Minutes  
10/24/24  
Butler County Courthouse

**Present**

Planning and Zoning Commission members:

Deb McWhirter  
John Backer  
Roger Kregel  
Rosemary Willson

**Absent**

Jane Close

Others:

Misty Kofron, Zoning Administrator  
Ben McCandless  
Dennis McWilliams  
Wendy & Bruce Burroughs  
Scott Wildeboer  
Chris Luhring, City of Parkersburg

Deb McWhirter called the meeting to order.

A motion was made to approve the agenda as presented by Rosemary Willson and was seconded by Roger Kregel. Motion passed.

A motion was made to approve the minutes from the previous meeting dated 9/26/24, by Roger Kregel and was seconded by John Backer. Motion passed.

**Old Business:**

Comp Plan update; still needing to review before we get back to INRCOG to finish it up.

New County aerials are done and available to download on arc map although there has been a delay with getting them on Sidwell.

**Public Hearing:**

Chair McWhirter opened the public hearing on a request by a request by Tim & Betty McCandless to rezone 17.16 acres from A-1 to R-1 for a residential subdivision and review of McCandless Subdivision Preliminary Plat for property located in the NW¼ of Section 2, Township 93 North, Range 17 West of the 5th P.M. that was tabled from September 26, 2024.

Administrator Kofron stated that new notices were sent out for this meeting and Keith Christensen reached out to reiterate his comments from the email he sent prior to the last meeting, which stated that he thinks it is a good housing opportunity but has concerns about building codes and

restrictions for mobile homes. Administrator Kofron also touched on the 5 shared driveway accesses that were discussed at the last meeting, referencing the revised Plat that the surveyor had submitted. Kofron stated that while comparing this Plat with the Riverview Estates Subdivision Plat across the road, she noted drainage easements with culverts that were already in place in the roadway that the proposed driveway for Lots 5 & 6 would interfere with. Administrator Kofron stated that since these are established easements and with the elevation difference, these drainage easements should also extend into this subdivision. Kofron also went over how the Commission had discussed a frontage road for this subdivision to further reduce driveways along this roadway at the prior meeting and that County Engineer John Riherd felt this would be a burden on the developer since the subdivision across the road was allowed to have individual driveways. Administrator Kofron thinks that it should be considered, however, not only to protect the drainage easements but also the fact that there is an accessory building on parcel JJ that was allowed with a variance, setting a precedence. Administrator Kofron is concerned that other residents of Riverview Estates would purchase these lots for the purpose of building a shop and it would be hard to deny their variance because the precedence has already been set. Administrator Kofron is concerned that this opens the door to a potential subdivision of shops and having a frontage road might keep that at bay.

Discussion was had regarding the different regulations for accessory buildings in A-1 vs R-1. Kofron explained how the subdivision would change from A-1 to R-1 for residential, however, the only difference for accessory structures in the R-1 is a maximum height of 24 ft, while there are no height restrictions on accessory structures in the A-1 District. Kofron clarified that a property owner could still apply for a variance to have a stand-alone accessory building regardless of what it was zoned as an accessory building not being allowed on a lot by itself was a general provision that applied to all zoning districts except the commercial district.

Discussion was had regarding the frontage road and who would be responsible for it. Kofron stated that the developer would be responsible for putting in the frontage road prior to selling any lots and it would be the responsibility of the Subdivision to maintain. Discussion was had regarding private driveways vs a frontage road with questions on separating the driveways for Lots 5 & 6, which are the main concern. Kofron stated that the County Engineer was adamant that there be a maximum of 5 driveways so if they approved the private driveways vs the frontage road, they would need to be realigned in a way that there be no more than 5 driveways and that each lot has access.

Ben McCandless was present on behalf of the request and stated that some prospective buyers were interested in buying more than one lot. Rather than a frontage road, McCandless thought that lots 5 & 6 could be combined into one big lot with the driveway being moved to one side or the other.

Discussion was had regarding Homeowners Associations being established to maintain a frontage road and help regulate the type of housing allowed in the Subdivision as established by restrictive covenants. Dennis McWilliams, who developed Riverview Estates, stated that restrictive covenants are not enforceable, and Kofron confirmed that the county has its own setbacks and standards and does not enforce standards put in place by a homeowner's association.

Bruce Burroughs inquired as to what the standards for the R-1 District were and Administrator Kofron listed out the uses allowed in the R-1 District along with the minimum setbacks for buildings from property lines. Burroughs asked if McCandless would consider a sale agreement for lot ten as he owns the property adjacent to that lot and does not want someone constructing a building that close to his property. McCandless stated that they were open to selling them as is, they just had people show interest in buying building lots which is why the Subdivision is being proposed. Burroughs also expressed concerns over the dust from extra vehicles; visibility on the road going to and from town due to a hill; along with how busy this road is.

Discussion was had by the Commission as to what the next step would be. Administrator Kofron stated that this plat isn't quite ready for approval as the driveways still need to be relocated. The Commission inquired about whether there is a building permit process and what type of housing would be allowed. Kofron explained the permit process that goes through her office and that mobile homes and recreational campers are not permitted to be living quarters, however, the County does allow manufactured homes if they meet our 24 ft width requirement. Kofron clarified that there are no building codes or inspections, her office looks at whether the structure meets use requirements for that zoning district, setback requirements from property lines, and whether any flood plain permits are needed. An inquiry was made regarding shop houses a/k/a shouses and it was determined that they would be allowed as a residential structure as long as it met height requirements for the R-1 District.

Public Hearing was closed.

The Commission inquired about whether they should table their decision until the plat changes have been made and Administrator Kofron agreed that it should be tabled.

A motion was made to table the request to the next meeting by Rosemary Willson and was seconded by Roger Kregel. Motion passed.

## **Public Hearing #2**

Administrator Kofron called Joe Simon so he could listen and be present for his hearing.

Chairman McWhirter opened the second public hearing on C&J Simon Minor Subdivision Plat for a parcel containing 7.62 acres located in SE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> of Section 25, Township 90 North, Range 17 West of the 5th P.M.

Administrator Kofron presented her staff report and stated that this parcel consists of 30 acres total with 7.62 acres being split into 3 proposed building lots that are over 2 acres each. The three (3) lots lie South of the railroad tracks along Hwy 57, with 1.61 acres on the Easterly side of the lots that will be kept with the remainder on the North side of the tracks and will act as access to the Northern portion of this parcel. Kofron stated that upon reviewing the Plat, the County Engineer determined that this is a State Highway so all proposed driveways will be subject to DOT approval. While talking with Joe it sounds like the DOT may have given verbal approval for this project. Kofron also stated that the lots all lie within the 100-year floodplain and prior to developing the lots, DNR and County floodplain permits will be required, and the lots will need to be elevated a minimum of one (1) foot above the base flood elevations. The developer has decided to sell these

lots as is and leave it up to whoever purchases them to bring in fill to develop the lots which may be about a foot and a half (1½) to two (2) feet of fill. Administrator Kofron continued to explain the CSR ratings and when first talking to Joe it looked like the CSRs were pretty mixed, but they didn't look at what was going to be divided off specifically. After reviewing the Minor Plat, the entire 7-acre parcel has a CSR rating of 97 does not meet the County's development standards.

The Commission asked if that CSR is tied to the rest of the ground or if it was figured separately and it was determined that the CSR was figured separately for just the proposed Plated area, the remainder of the ground was well below the 70 CSR threshold. Deb McWhirter asked if it was being farmed now and Joe responded that it has been in Ag for 20 years, mainly as hay and alfalfa, but with the access you can't get big equipment in there to row crop it and if you could, no one will want to farm a 7-acre field.

Scott Wildeboer, who lives directly across the road from the proposed Subdivision, was present for the meeting and expressed concerns about building sizes and shops and wondered if the same restrictions from the previous hearing would apply to this proposal too. Administrator Kofron explained that it would remain A-1 and not be rezoned to R-1, so the height restrictions on shops would no longer apply. Residential is slightly more restrictive than Agricultural. Wildeboer inquired as to whether you could still build a house without rezoning it as he was under the impression you needed more ground to build in the A-1 District. Kofron stated that the County requires 35 acres to build on, unless it's an existing acreage site or has an average CSR below 70 which would only require 1.5 acres minimum instead of 35. Kofron reiterated that the CSR for this proposal does not meet CSR requirements for building lots. Wildeboer stated that he is opposed to this proposal because it's directly across the road from his acreage and he is concerned with shops being built.

Chris Luhring was present on behalf of the City of Parkersburg and stated that he was notified of this project per the 28E agreement between the City and County. Chris Luhring stated he spoke with the Mayor and the City doesn't have an opinion as there is no anticipation to expand the city sewer or water main service nor annex this area into City limits anytime in the near future. Luhring stated that from a housing standpoint, if Butler County doesn't grow, we have problems, so they are in favor of housing developments if they are done properly.

Administrator Kofron asked Joe if there was anything he wanted to add concerning the CSRs to help support this proposal. Joe responded that it is in the floodplain and it's not the best hay ground; it's on a paved road so it would be nice for people who don't want to live in town or on gravel; and the DOT guy from Mason City said that with the site distance from east to west, he would like to see one driveway maybe two.

A motion was made to close public hearing by John Backer and was seconded by Roger Kregel. Public hearing closed.

The Commission discussed the issue of the high CSRs and the flood plain. While there are supporting factors for this subdivision including that it is close to town and on a paved road, the CSR is a set standard that the Commission needs to look at. Administrator Kofron explained that the rules were set to preserve as much farm ground as possible. Through the Comprehensive Plan update, Kofron stated that the County is looking into identifying residential corridors and areas

within the County that may be utilized for housing without CSR playing as big of a role in the approval. The hope is the comp plan will be done this winter. The Commission agreed that as the CSR rules stand now, they cannot approve this plat, however, they would be willing to table their decision until the Comprehensive Plan is completed and these corridors have been identified.

A motion was made to table the C&J Simon Minor Plat until Spring when the comp plan is complete by Roger and was seconded by Rosemary. Motion passed.

**New Business:**

None

A motion to adjourn was made by Rosemary Willson and was seconded by Roger Kregel. Motion passed.

Misty Kofron, Planning and Zoning Administrator

A handwritten signature in blue ink, appearing to read "Misty Kofron", is written below the typed name.