

Planning & Zoning Meeting Minutes
3/19/2026
Butler County Courthouse

Present

Planning and Zoning Commission members:
Deb McWhirter
Jane Close
John Backer
Roger Kregel
Rosemary Willson

Others:

Misty Kofron, Zoning Administrator
Neal Leeper – Black Hawk R/C Pilots
Will Bran – Black Hawk R/C Pilots
Lorne Browell – Black Hawk R/C Pilots
Tom Novick – Novick Land Surveying
Lance Bergman – Allison, IA

Deb McWhirter called the meeting to order.

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

A motion was made to approve the minutes from the previous meeting dated 2/12/2026, by John Backer and was seconded by Roger Kregel. Motion passed.

Public Hearing:

Chair McWhirter opened the public hearing on a request by Lance Bergman to rezone the East 1.5 acres located at 24062 Butler Center Rd in the NW corner of section 16 township 91 North, Range 16 West of the 5th P.M. from M back to A-1 to clean up zoning compatibility for the residence located on this property

Administrator Kofron stated this rezone is being proposed to clean up this property. In 1999, one of the previous owners had this parcel rezoned to Manufacturing to accommodate a sandblasting/painting business. There was an old house on that parcel at the time, but they rezoned the entirety of the parcel. Lance Bergman ended up purchasing the parcel and took over the sandblasting operation while living in the existing house. A few years ago he decided to build a shouse to replace the existing house and would now like to add an addition to the shouse triggering the need for a variance to the side yard setback. Administrator Kofron felt this would be a good time to clean up the zoning of this parcel since technically a residence isn't allowed in the M District. The proposed request is to rezone the east 1.5 acres back to A-1 while keeping the remainder zoned M to accommodate his sandblasting/painting business.

Lance Bergman was there on behalf of his request and felt Administrator Kofron covered everything and he didn't have anything to add.

There was only one public comment from Sherman Lundy of BMC Aggregates who stated that he had no problem with this rezone request.

Public hearing closed

A motion was made to approve the request to change the zoning of the East 1.5 acres to A-1 by Jane Close and was seconded by John Backer. Motion passed.

Public Hearing #2

The Zoning Commission reviewed Zannic Addition Minor Plat located in the NE ¼ SE ¼ of Section 33, Township 90 North, Range 15 West of the 5th P.M.

Administrator Kofron presented her staff report, Mr. Novick is proposing a new parcel of 5.7 acres for a future buildable lot. Kofron stated this parcel is completely located in the 100-yr floodplain. There has been some preliminary discussion between Novick and the DNR about digging out a pond and elevating, and it seemed they gave their preliminary approval but there still needs to be formal determination and permitting before it can become a buildable lot. Kofron stated that the current elevation of this property is between 892' and 894.5' and for this lot to meet our buildable standards, they would need to bring in 2.3 - 6.3ft of fill, which is a considerable amount. Administrator Kofron stated she had concerns as to how all that fill would affect the neighboring properties. There is also a wetland easement on the adjacent parcel that Mr. Novick owns which cannot be built on or developed, and part of that wetland easement restriction did include a provision of not impeding any water in or off that area. Administrator Kofron also touched on the driveway easement for the Black Hawk County Radio Control Pilots to access the land locked area west of Novick's. Kofron stated other than these concerns it does meet the other requirements for a buildable lot as far as CSR and lot requirements.

Discussion was had regarding whether the fill would go up to the house or basement floor level. Kofron stated a basement wouldn't be an option in this area and you can either elevate the structure via stilts or bring in fill. Administrator Kofron clarified that if you elevate via fill, it has to be elevated 18ft around the structure. If they did go with just elevating the structure, it would have to be engineered to withstand high water levels. Discussion was had regarding drainage and Novick stated that it does drain to the North of the property. Some map clarification was needed.

Discussion was had regarding the driveway that runs through the property to access a landlocked parcel which was purchased by Black Hawk County Radio Control Pilots 30 years ago. There were several Board members present for this meeting, and they stated that they had consulted an attorney and were advised to meet with the perspective buyer, he stated the surrounding farmland has been sold 4 times and they always try to be good neighbors. They do put up a barricade during spring, so the drive doesn't get torn up with heavy machinery. They stated that they acknowledge that the driveway does not follow the proper easement and want to work with Novick to rectify that or come up with a new easement area once he takes possession. Administrator Kofron had some questions regarding whether the driveway was also used to access the surrounding farm ground and it was determined that the farm equipment comes from T - 55 a half a mile south as this driveway is too small for equipment.

Discussion was had on how the driveway does get standing water and Administrator Kofron stated that if a building is approved on this parcel, the driveway will also need to be elevated so as not to create a hazardous situation of someone getting stuck during flood events.

The Commission clarified that even though they might allow the split of this property, it doesn't automatically mean it will be approved for a buildable lot considering the floodplain. Novick expressed concerns that his purchase agreement was dependent on this being approved for a

building lot, however, the Commission would need to see formal determination from the DNR and have a specific plan. Novick stated that he has no plans to build on the lot as of right now, but wondered if it can be conceptual that he can build a 2-3000 sq ft building? Kofron clarified that the only way to get the go ahead to build on this lot is to go through the DNR for a determination with your exact plan for the build, the Commission can't make their approval conceptual with so many variables. If the DNR doesn't approve the buildable lot, Novick would be stuck with an unusable lot. It was made clear this is not the green light to build on this parcel.

A motion was made to close the public hearing by Jane and was seconded by Roger. Public hearing closed.

A motion was made to approve the minor plat for Zannic Addition by Rosemary and was seconded by Roger. Motion passed.

Old Business:

Legislative updates, there is one bill that is working through the second funnel that would disallow Counties from being able to regulate residential structures, no more CSR requirements, setbacks, minimum lot size requirements, etc. This bill could make regulating subdivisions harder as well.

Kofron stated that the other bill set setback standards for alternative energy projects, disallowing Counties from being stricter.

Discussion was had over data centers. How much energy they use and water they use.

Kramer nuisance, the Kramer's came back to the supervisors, and the supervisors are asking the Commission to sit down with the County Attorney to see what the County could do for these people. The Commission felt there was nothing more they could do and Deb and Roger volunteered to visit with the Sheriff and County Attorney on behalf of the Commission.

New Business

Kofron explained that the Telecommunications tower completed a very thorough application. Our role as the Commission is to decide if there is a need for this tower. If approved by the Commission, a special exception from the Board of Adjustment would also be needed. Kofron said she would like to get them through the process quickly, the Commission set the next meeting tentatively for May 7th at 1:30

A motion to adjourn was made by Roger and was seconded by John. Motion passed.

Misty Kofron, Planning and Zoning Administrator

