

Board of Adjustment Meeting Minutes  
3/26/2019  
Butler County Courthouse

**Present**

Board of Adjustment members:  
Mark Gerdes  
Paul Leerhoff  
Jim Siebrands  
Fern Myers

Others:

Misty Kroeze, Zoning Administrator  
Lee Pries, Paul Niemann Construction Co.

**Abesent**

Jeff Reints

Mark Gerdes called the meeting to order at 7:05 a.m.

A motion to approve the Agenda and the minutes of the previous meeting dated July 24, 2018, was made by Fern Myers and seconded by Paul Leerhoff. Motion passed.

A motion to appoint Mark Gerdes as Chair was made by Jim Siebrands and seconded by Paul Leerhoff. Motion passed. A motion to appoint Paul Leerhoff as Vice Chair was made by Jim Siebrands and was seconded by Mark Gerdes. Motion passed.

**Old Business:**

Zoning Administrator Kroeze updated the Board regarding the update of the Zoning Ordinance and reported that the budget for the amendment had been approved and the process was going to start next winter.

**Public Hearing:**

Gerdes opened the public hearing to consider an application for a special exception permit by Paul Niemann Construction Co. for an existing sandpit located at 31256 – 220th St in the NW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> lying North and East of the Iowa Northern Railway, except tract, & SE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>, except tract, and approximately 40 acres located in the SW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> of Section 3, Township 91 North, Range 15 West of the 5th P.M. Administrator Kroeze stated that the application came about after an inquiry for a temporary asphalt plant that was to be located on a portion of the parcel that was still zoned A-1, which is not the proper zoning district for this type of operation. Upon researching old zoning minutes and maps, she discovered that a portion of the property was zoned to “M” Manufacturing when the sandpit first started its operation at this site in the 90s but she could not find anything regarding the remainder of the property ever being rezoned. While “M” Manufacturing District was appropriate at the time the operation started, the current zoning ordinance now has these types

of operations in the "A-2" Agriculture district with a special exception permit from the Board of Adjustment. The rezoning request was approved by both the Planning & Zoning Commission and Board of Supervisors and the special exception permit is the final step. Administrator Kroeze also stated that this would be the only time they would need to come before the Board for the special exception permit, once approved the sandpit would not need approval every time the temporary asphalt plant wanted to set up at this site.

Board Member Leerhoff inquired as to what the difference was between the A-1 and A-2 District. It was determined that they are very similar, but the A-2 District includes a few more AG type businesses as well as the quarries and sandpits as a way to allow these operations without rezoning to a less restrictive "M" Manufacturing District, which could open these sites up to more industrial type businesses.

The Board inquired as to whether the temporary asphalt plant was for the Hwy 3 project and it was determined that was the main reason, but there are also a few smaller projects it will be used for too. Lee Pries with Niemann Construction Co. also stated that they would be operating mainly at night due to the ethanol plant traffic and that it will only be set up for approximately a month. Once they are done, the plant will be moved. Mr. Pries also stated that the plant would sit in their stockpile area and not take up any of the existing AG land. The Zoning Administrator reiterated that this was being done merely to clean up a zoning oversight and this would be the only time they would need approval for the temporary plants.

There were no oral or written comments received. Public hearing was closed at 7:15 a.m.

Motion to approve the request for a special exception permit for an existing sandpit and temporary plants associated with the operation was made by Paul Leerhoff and seconded by Jim Siebrands. Motion was unanimously approved.

**New Business:**

The Board inquired as to whether they would ever receive a copy of the zoning ordinance so they had something to reference. It was determined that the Zoning Administrator would prepare binders for each Board member which would include the ordinances and comprehensive plan.

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

Misty Kroeze, Zoning Administrator

