

Board of Adjustment Meeting Minutes  
4/25/23  
Butler County Courthouse

**Present**

Board of Adjustment members:

Mark Gerdes

Paul Leerhoff

Jeff Reints via zoom

Carla Mulder

**Absent**

Habbo Fokkena

Others:

Misty Day, Zoning Administrator

Dan Shaner

Ann Shaner

David Hogelucht

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

A motion to approve the Agenda was made by Paul Leerhoff and seconded by Jeff Reints. Motion passed.

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

A motion to approve the minutes of the previous meeting dated 12/20/2022, was made by Carla Mulder and seconded by Paul Leerhoff. Motion passed.

**Old Business:**

None

**Public Hearing:**

Chair Gerdes opened the public hearing on a request by Dan and Ann Shaner for minimum lot size and side yard setback variance for a proposed post frame building located at 33617 Beaver Valley Rd in the SW $\frac{1}{4}$  NE $\frac{1}{4}$  in Section 25, Township 90 N, Range 15 W. Administrator Day Stated that Mr. Shaner owns a 1-acre parcel on Beaver Valley Rd referenced above. He is wanting to put up a 48' x 30' building for storage and woodworking. This has been an existing lot since at least 1994 when the house was constructed, however, it does not meet our current minimum lot size of 1.5 acres which creates a non-conforming lot situation. Therefore, they are requesting a variance to the non-conforming provision of this ordinance to allow the accessory building to be constructed on less than 1.5 acres. Additionally, the proposed building is approximately 6' from the side yard property line. The Bulk Requirements table on page 24 of the ordinance states that the side yard setback is 25' unless the building is in the rear yard, then the setback can be reduced to 4'. This proposed location is in the side yard so the 25' setback would apply so they are also requesting a variance to this side yard setback requirement.

Daniel and Ann Shaner were present on behalf of their request. Discussion was had about the history of this lot and when/if it was ever approved by the County. Administrator Day stated that there was no record of it ever been submitted to the county for approval. Neighbor David Hogelucht stated that the original owner, Dick Corwin, had a history of doing things without approval. Applicant Shaner was not aware that this was a non-conforming lot when he purchased it.

Public Hearing was closed.

A motion was made to approve the variance by Carla Mulder and was seconded by Jeff Reints. Motion was unanimously approved.

**New Business:**

Administrator Day reminder the Board that if they were wanting to claim mileage for the 2022-2023 fiscal year, the mileage sheets are due by June 1<sup>st</sup>.

Administrator Day gave an update on the proposed Liquid Pipeline ordinance. Other counties who have adopted similar ordinances are now in litigation. Zoning commission recommended adoption but Administrator Day will be meeting with the Supervisors to discuss next steps and whether they want to move forward or delay adoption until a decision has been rendered in the litigation cases. Jeff Reints discussed some new technology the ethanol plants may be able to use eliminating the need for the pipeline.

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

Misty Day, Zoning Administrator

