

**ZONING BOARD OF ADJUSTMENT
FEBRUARY 16, 2015
SPENCER, IOWA**

The Zoning Board of Adjustment of the City of Spencer, Iowa, met in Regular Session on the 16th day of February, 2015, at 8:15 o'clock A.M., in the Council Chambers, City Hall, Spencer, Iowa, pursuant to law, to adjournment and to the rules of said Zoning Board of Adjustment.

The meeting was called to order by Chairperson Mark Lykke, and the roll being called, there were present:

PRESENT: Lykke, Green, Waller, Feldman

ABSENT: Baxter, Harper, Peterson

It was moved by Board Member Green, seconded by Board Member Feldman, to approve the minutes of the Zoning Board of Adjustment meeting on February 2, 2015, as printed and mailed. The motion was declared carried when all Board Members present voted aye on voice call vote.

The Board reviewed a request from **Gary Toft, 364 Lake Drive, Arnolds Park, Iowa 51331**, with Gary Toft present and speaking. The request was for a variance to construct a **15' x 20' storage** building up to within 10' of the south side property line (a side yard setback is twelve feet (12') or 10% of the lot width, whichever is greater, but not exceeding 20' in the C-2 Highway Commercial Zoning District). This lot is 200' wide, requiring a minimum 20' setback. Located at 2506 11th Avenue SW; in the NE¹/₄ 25-96-37. The Board determined the hardship would be that the building would be more costly to erect elsewhere on the lot, since the concrete is already in place. There were no comments. It was moved by Board Member Green, seconded by Board Member Waller to approve the request as presented.

Upon roll call vote, the vote thereon was as follows:

AYES: Lykke, Green, Waller, Feldman

NAYS: None

The motion was declared carried.

The Board reviewed a request from **Donna Goebel** to establish a Special Exception Limited Animal Husbandry to allow the keeping of up to six chickens at her property at **105 19th Street SE, Spencer, Iowa**, with Donna Goebel present & speaking. The request involves keeping of up to six hens in an open enclosed facility in the back yard. The Board heard objections to the grant of the Special Use Permit by neighbors, Lucy Steffen, (1824 1st Ave. SE) and Craig Hinkeldey, (19 19th St. SE) and received written objections from neighbors, Jerry Clausen, (100 19th St. SE) and Cheryl Jackson, (1823 1st Ave. SE). The Board considered the review and evaluation of the requested Special Exception Use prepared by Zoning Officer, Kirby Schmidt. The Board found the following facts:

1. "Animal Husbandry, Limited" is a land use activity allowed by Special Exception within the "A" Residential Zoning District.
2. The Goebel property is in the "A" Residential Zoning District.
3. The Goebel property is a large lot (approximately 150' x 150'), but is surrounded by modern residences in close proximity.
4. Ms. Goebel intends to raise the hens from chicks.
5. Ms. Goebel plans to construct an open fenced area for the chickens, in addition to the coop.
6. Chicks and chickens do create audible sound.
7. Chicken waste creates the potential for objectionable odor.
8. To the knowledge of the Board, no chickens are currently kept within the corporate limits of the City of Spencer.
9. The presence of a chicken coop, though small, creates the possibility of reducing the property values of adjoining residences.
10. Many residents believe that farm animals should not be kept within the city limits, except in unusual circumstances.
11. The Goebel neighborhood is developed residential, not agricultural.

It was moved by Board Member Lykke, seconded by Board Member Green to **deny the request** as presented. Upon roll call vote, the vote thereon was as follows:

Ayes: Lykke, Waller, Green, Feldman

Nays: None

The motion was declared carried.

It was moved by Board Member Waller, seconded by Board Member Green to adjourn the meeting of the Zoning Board of Adjustment at 8:44 a.m. The motion was declared carried when all Board Members present voted aye on voice call vote.

Chairperson, Mark Lykke

ATTEST:

Theresa Reardon, City Clerk
Secretary