

## ZONING BOARD OF ADJUSTMENT

September 8, 2015

SPENCER, IOWA

The Zoning Board of Adjustment of the City of Spencer, Iowa, met in Regular Session on the 8<sup>th</sup> day of September, 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 Don Baxter, and the roll being called, there were present:

PRESENT: Baxter, Lykke, Waller, Harper, Peterson, Green arrived at 8:18 A.M.

ABSENT: Feldman

It was moved by Board Member Lykke, seconded by Board Member Harper, to approve the minutes of the Zoning Board of Adjustment meeting on August 17, 2015. The motion was declared carried when all Board Members present voted aye on voice call vote.

The Board reviewed two requests from **Keith Benschoter, 703 East 8<sup>th</sup> St., Spencer, IA**, who was present and spoke to the Board. The first was for a variance to construct a 16' X 14' garage addition up to within 19' of the front property line (25' minimum in the A Residential zoning district), and up to within 4' of the east property line (6' minimum). The second request was for an 8' X 6' open porch up to within 20'-10" of the front property line (a step may protrude a maximum of 3' from the front wall of a dwelling, or it must maintain a 25' setback from the front property line) located at 709 East 8<sup>th</sup> Street; East Half of Lot 8 and All of Lot 9, Block 9, Second College Addition. The hardship is to modernize the property based on original house configuration and lot size. There were no other comments. It was moved by Board Member Lykke, seconded by Board Member Harper to approve the request as presented. Item 2A-3, an appeal for a variance to construct a 16' x 6' bedroom addition up to within 4' x 6" of the east property line (6' minimum) was inadvertently left out of the media notification and will be considered at the September 21<sup>st</sup> Board of Adjustment Meeting.

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

AYES: Baxter, Green, Lykke, Waller, Harper, Peterson

NAYS: None

The motion was declared carried.

The Board reviewed a request from **Jeffrey Danielson, Agent, World of Fabrics, Inc., P.O. Box 450, Willmar, MN 56201, who was present and spoke to the Board**. Jeffrey is asking for an Administrative Appeal with the Zoning Board of Adjustment seeking to overturn a determination of the Zoning Official pertaining to the replacement of wood siding on a commercial building in the Central Business District (CBD) located at 315 Grand Avenue. South Half of Lot 2, and the North Half of Lot 3, Block A, Original Plat to Spencer. There were no other comments. It was moved by Board Member Lykke, seconded by Board Member Green to **approve** the appeal to overturn the determination of the Zoning Official pertaining to the replacement of wood siding on a commercial building in the Central Business District (CBD). The Board also requested a possible amendment to the City Ordinance 9-5-4.

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

AYES: Baxter, Green, Lykke, Waller, Harper, Peterson

NAYS: None

The motion was declared carried.

The Board reviewed two requests from **Larry Steffes, 23807 178<sup>th</sup> Street, Okoboji, IA 51355**, who was present and spoke to the Board. The first was for a variance to construct a 70' X 36' commercial storage building up to within 1' of the east property line (25' minimum in the E Heavy Industrial Zoning District). The second request was to construct a 40' X 40' commercial storage building up to within 4' of the east property line (25' minimum) located at 2918 B Avenue East. Lot 1, Block 3, Industrial Park Addition and a Tract of Land in the NE ¼ of the NW ¼ of Section 6, Township 96N, Range 36W of the 5<sup>th</sup> P.M. The Board determined the hardship to be that Steffes would like to build on the existing foundation. This location was approved by the Board of Adjustment on 10/07/1996. There were no other comments. It was moved by Board Member Green, seconded by Board Member Lykke to approve the request as presented.

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

AYES: Baxter, Green, Lykke, Waller, Harper, Peterson

NAYS: None

The motion was declared carried.

The Board reviewed a request from **Chris Raveling, 4315 110<sup>th</sup> Ave., Peterson, IA 51047**, who was not present, for a variance to install a 4' X 8' (32 sq. ft.) political sign in the A residential zoning district (maximum of 4 sq. ft.). The sign will be removed after the November 2016 election. At 908 10<sup>th</sup> Avenue SE. Tract in the SW ¼ of the SW ¼ of Section 17, Township 96N, Range 36W. There were no other comments. It was moved by Board Member Harper, seconded by Board Member Lykke to **DENY** the request as presented, because it is not allowed by City Code and the Board doesn't want to set a precedence.

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

AYES: Baxter, Green, Lykke, Waller, Harper, Peterson

NAYS: None

The motion was declared carried.

ITEMS FOR FUTURE AGENDAS:

- Item #3 for Keith Benschoter Appeal (703 East 8<sup>th</sup> St.)

It was moved by Board Member Lykke, seconded by Board Member Harper to adjourn the meeting of the Zoning Board of Adjustment at 9:08 A.M. The motion was declared carried when all Board Members present voted aye on voice call vote.

ATTEST:

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Chairperson, Don Baxter

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Theresa Reardon, City Clerk  
Secretary