

**ZONING BOARD OF ADJUSTMENT  
MARCH 7, 2016  
SPENCER, IOWA**

The Zoning Board of Adjustment of the City of Spencer, Iowa, met in Regular Session on the 7<sup>th</sup> day of March, 2016, 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, Green, Lykke, Waller, Peterson, Feldman

ABSENT: Harper

It was moved by Board Member Waller, seconded by Board Member Peterson, to approve the minutes of the Zoning Board of Adjustment meeting on December 21, 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 **Dan White, Sr. Project Manager, U.S. Cellular, 12020 Ridgemont Drive, Urbandale, Iowa 50323**, who was not present. Kirby Schmidt, Planning Director explained the project. The request was for approval to construct a 180' self-supporting Communication Tower, which is a Special Exception Use in the E Heavy Industrial Zoning District, and for a variance to allow for a 90' setback or 50% of the tower height where there is a requirement of a 108' setback for the tower (60% of the height) at 1304 East Milwaukee Street; Lot 18, Spencer Municipal Utilities Subdivision. Gary Hoefling, 1718 3<sup>rd</sup> Ave. West, was present and made comments regarding the number of birds that sit on the cell tower at West 18<sup>th</sup> Street & 1<sup>st</sup> Ave. West. There were no other comments. It was moved by Board Member Lykke, seconded by Board Member Green to approve the request as presented contingent upon FAA approval.

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

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

NAYS: None

The motion was declared carried.

The Board reviewed a request from **Dan White, Sr. Project Manager, U.S. Cellular, 12020 Ridgemont Drive, Urbandale, Iowa 50323**, who was not present. Kirby Schmidt, Planning Director explained the project. The request was for approval to construct a 130' self-supporting Communication Tower, which is a Special Exception Use in the F Fair and Exposition Zoning District, and for a variance to allow for a 65' setback or 50% of the tower height where there is a requirement of a 78' setback for the tower (60% of the height) at 1007 West 18<sup>th</sup> Street; a Tract of Land in the SW ¼ of the SE ¼ of Section 1, Township 36N, Range 37W of the 5<sup>th</sup> P.M. There were no other comments. It was moved by Board Member Peterson, seconded by Board Member Lykke to approve the request as presented contingent upon FAA approval and subject to applicant obtaining a

lease from the Fair to include the 65' radius to cover the collapse area of the tower.

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

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

NAYS: None

The motion was declared carried.

The Board reviewed a request from **Patricia Helmich, 1713 McNaughton Way, LLC. and Great Lakes Communication Corporation, 1713 McNaughton Way, Spencer Iowa**, with Ms. Helmich present to speak to the Board. The request was for approval to construct a 122' self-supporting Communication Tower, which is a Special Exception Use in the E Heavy Industrial Zoning District, and for a variance to allow for a 6' non-climb shield for the tower (6' high fence minimum) at 1501 35<sup>th</sup> Avenue West; Lots 2 and 3, Subdivision Number 4, Corn Belt Industrial Park. There were no other comments. It was moved by Board Member Lykke, seconded by Board Member Waller to approve the request as presented contingent upon FAA approval.

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

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

NAYS: None

The motion was declared carried.

It was moved by Board Member Lykke, seconded by Board Member Feldman to adjourn the meeting of the Zoning Board of Adjustment at 8:53 o'clock A.M. The motion was declared carried when all Board Members present voted aye on voice call vote.

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Chairperson, Don Baxter

ATTEST:

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Theresa Reardon, City Clerk  
Secretary