

**ZONING BOARD OF ADJUSTMENT
MAY 2, 2016
SPENCER, IOWA**

The Zoning Board of Adjustment of the City of Spencer, Iowa, met in Regular Session on the 2nd day of May, 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, Harper, Peterson, Feldman

ABSENT: None

It was moved by Board Member Waller, seconded by Board Member Feldman, to approve the minutes of the Zoning Board of Adjustment meeting on April 4, 2016, as printed and mailed. The motion was declared carried when all Board Members present voted aye on voice call vote.

The Board reviewed two requests from **Russell Muilenburg, Hope Reformed Church, 919 Grand Avenue, Spencer, Iowa**, who was not present. Gary Vanwettering and Ivan Crane, Church Members explained the requests. Both requests were from the property located at 101 West 9th Street. East Half of Lot 11, All of Lot 12, Block 7, Chicago, Milwaukee and Saint Paul Railway Addition.

The **first request** was for approval to establish a parking facility in the A Residential Zoning District where the use is allowed by Special Exception. There was a written comment Gene Geiger, 107 West 9th Street (see on file). There were no other comments. It was moved by Board Member Waller, seconded by Board Member Harper to approve with requirement of a hedge or fence being installed along west side; and any future lighting must be dark-sky lighting.

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

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

NAYS: None

The motion was declared carried.

The **second request** was for a variance allow for a total lot coverage of 70.6% (where 70% coverage is the maximum allowed in the A Residential district. 3195 sq. ft. minimum open space required, 3133 sq. ft. proposed, a difference of 62 sq. ft.). There were no other comments. It was moved by Board Member Lykke, seconded by Board Member Harper to **deny** the request.

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

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

NAYS: None

The motion was declared carried.

The Board reviewed a request from **Tom Clary, Laser Car Wash, 602 13th Street, Milford, Iowa 51351**, who was not present. Dave Anderson was present and explained the request. The request was for a 10' X 36'-8" equipment addition up to within 22'-6" of the north property line (50' minimum in the C-2 Highway Commercial Zoning District), at 1202 4th Avenue SW. Lot 1, South Country Club First Addition. There were no other comments. The Board determined the hardship to be a 50' setback on this property (originally 15' setback). It was moved by Board Member Waller, seconded by Board Member Peterson to approve the request, contingent on meeting the National Electric Safety Code Requirements, as it relates to a building height restriction line, on the north side of the lot.

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

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

NAYS: None

The motion was declared carried.

It was moved by Board Member Harper, seconded by Board Member Lykke to adjourn the meeting of the Zoning Board of Adjustment at 8:47 o'clock A.M. The motion was declared carried when all Board Members present voted aye on voice call vote.

Chairperson, Don Baxter

ATTEST:

Theresa Reardon, City Clerk
Secretary