

**ZONING BOARD OF ADJUSTMENT
JUNE 20, 2016
SPENCER, IOWA**

The Zoning Board of Adjustment of the City of Spencer, Iowa, met in Regular Session on the 20th day of June, 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, Waller, Lykke, Peterson, Feldman

ABSENT: Harper

The Board Chairman announced that Board Members Don Baxter and Steve Waller who were elected as Chair and Vice Chair in July of 2015, will continue as Chair and Vice Chair until July 2017, per the July 18, 2005 Board of Adjustment rule concerning appointment of Chair and Vice-Chair of Board, to read "Chairperson and Vice-Chair terms will be two years and the Vice-Chair will become Chair after a 2-year term."

It was moved by Board Member Waller, seconded by Board Member Green, to approve the minutes of the Zoning Board of Adjustment meeting on May 16, 2016, 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 **Patricia Helmich & David Brostrom, 1713 McNaughton Way, LLC, Spencer Iowa**, with Patricia Helmich present to speak to the Board. The original request was for approval of a variance to construct a 45' X 165' solar panel array up to within 10' of the west and south property lines (25' minimum in the E Heavy Industrial Zoning District); located at 1501 35th Avenue West. Lots 2 and 3, Subdivision Number 4, Cornbelt Industrial Park. Ms. Helmich informed the Board that they are now requesting a footprint of only 53' x 97'. Planning Director Kirby Schmidt reported that a 25' utility easement exists on the west side of the property. There were no other comments. The hardship was determined to be the necessity of keeping the solar panels as close to the property line as possible to allow for the future growth of the company on the current property. It was moved by Board Member Lykke, seconded by Board Member Green to approve the request for building a solar panel array up to within 10' of the south property line, and not to approve the 10' variance request on the west side of the property because of an existing 25' easement.

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

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

NAYS: None

The motion was declared carried.

The Board reviewed a request from **Douglas & Wendy McMullen, 2601 10th Avenue East, Spencer Iowa**, with Douglas present to speak to the Board. The request was for approval of a moving permit to move a 24' X 52' single story dwelling having a loaded height of 14'-6" from 20200 232nd Avenue, Milford, IA to 2511 10th Avenue East (proposed address). The proposed route will enter Spencer on Highway Boulevard, thence south to 30th Street, thence east to 10th Avenue East, thence south to 2511 10th Avenue East; to be located at 2511 10th Avenue East; Lot 1, McMullen's First Addition. An oral comment was given by abutting neighbor Carissa Post, 2521 10th Avenue East, who stated that she and her husband Scott have no issues with the request. There were no other comments. It was moved by Board Member Green, seconded by Board Member Waller to approve the move with the following conditions: the use of the structure will be considered a "detached accessory building" which cannot be changed in the future without Board of Adjustment approval; the move must be completed by December 31, 2016 and the discussed siding repairs must be made.

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

AYES: Baxter, Green, Waller, Lykke, 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 8:50 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