

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

The Zoning Board of Adjustment of the City of Spencer, Iowa, met in Regular Session on the 7th day of November, 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 (left at 9:15, did not vote on Toft request)

ABSENT: None

It was moved by Board Member Lykke, seconded by Board Member Waller, to approve the minutes of the Zoning Board of Adjustment meeting on October 17, 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 **Rick Florke, 603 9th Avenue SW, Spencer, Iowa**, who was present and spoke. Kirby Schmidt, Planning Director, reviewed project history. The request was for an extension of the completion date of their project to move a 26' x 73' single story dwelling from 3095 240th Avenue to 1203 11th Avenue SE until May 1, 2017 (initial completion date was October 31, 2016), located at 1203 11th Avenue SE. Lot 10, Phillips Heights Addition.

An oral comment was given by Jill Davis, 1103 12th Street SE, who asked for contingencies if extension is granted; camper and portable bathroom be removed, safety fence around property, and keeping off of neighbor's property.

There were no other comments. It was moved by Board Member Lykke, seconded by Board Member Waller to grant the request for an extension to May 1, 2017, with the following conditions: the portable restroom needs to be removed by December 1, 2016, a fence needs to be put around the garage until it has been placed on its foundation, and ask for neighbor's permission ahead of time to cross their property.

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 postponed a fence variance request from Carsha and Patrick Toay, 1402 2nd Avenue East, until the November 21, 2016 meeting.

The Board reviewed a request from **Leslie and Justin Albrant, 61 Cobb's Court, Spencer, Iowa**, Leslie Albrant and Amanda Lundquist, from Ruthven were present and spoke. The request was for a variance to attach an existing 18' X 24' detached garage to the dwelling by the way of an 8'-3" X 17' open breezeway addition. The resulting attached garage will be located up to within 1'-3" of the east property line (6' minimum in the A Residential zoning district). There were three written comments in favor of the request from Lavonne Weisbrod, 63 Cobbs Court, William & Barbara Faust, 65 Cobbs Court, and Shirley Ebel, 67 Cobbs Court (see on file). There was one written comment against the request from Larry & Fern Kilts, 801 4th Avenue West (see on file). There were no other comments. It was moved by Board Member Peterson, seconded by Board Member Green to approve the request, with the hardship being water pooling issues; by building the breezeway, rainwater could be diverted away from the back of the house.

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

AYES: Baxter, Green, Lykke, Peterson

NAYS: Waller, Harper, Feldman

The motion was declared carried.

The Board reviewed a request from **Pat Helmich, 1713 McNaughton Way LLC, 1501 35th Avenue West, Spencer, Iowa**, who was present and spoke. The request was to construct a 122' communication tower at 1206 10th Avenue East. A communication tower is a Special Exception use in the C-1 General Commercial zoning district, located at 1206 10th Avenue East. Lot 1, Soccer Alliance Second Addition. There were no other comments. It was moved by Board Member Lykke, seconded by Board Member Harper to approve the request as presented.

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.

Board Member Feldman left the meeting at 9:15 o'clock A.M.

The Board reviewed two requests from **Gary Toft, 364 Lake Drive, Arnolds Park, Iowa**, who was present and spoke. Kirby Schmidt explained the history of the project. The requests were for an Administrative Appeal of a determination of the Zoning Officer that using the driveway at 820 25th Street SW to access the commercial land to the south of the lot for commercial vehicular traffic is an increase in a non-conforming use. The second request was for a Special Exception use to establish a commercial parking facility at 820 25th Street SW.

There were five oral comments, as follows: Tony Sholly, 906 25th Street SW, Tony lives next door to the project, his concerns were about future owners of the property and the fact that the

variance would stay with the property. This is a residential area and he is concerned about high traffic use. He would like to have restrictions placed on the property if the request is approved.

Bill Kollasch, 805 25th Street SW, is concerned about the school bus stop in the area. There are lots of walking kids.

Clarence Schweitzer, 917 25th Street SW, had no objection to current use of driveway. The two buildings are commercial and one is residential. What happens when the property is sold? No access to building in residential zoning. Don't need any more traffic in the area. Wants to keep area residential.

Ken Mol, 817 25th Street SW, concerns for young children.

Gary VanWettering, 918 25th Street SW, has concerns about future of property, current eviction should help property get cleaned up, and concerns about current occupant's mess.

The Board requested that Don Hemphill investigate whether or not a Special Exception can be terminated when a property is sold. There were no other comments. It was moved by Board Member Lykke, seconded by Board Member Green to **table action** until the next meeting, November 21, 2016.

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:

- Toay variance request
- Toft requests

It was moved by Board Member Green, seconded by Board Member Harper to adjourn the meeting of the Zoning Board of Adjustment at 9:43 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