

**ZONING BOARD OF ADJUSTMENT
MAY 1, 2017
SPENCER, IOWA**

The Zoning Board of Adjustment of the City of Spencer, Iowa, met in Regular Session on the 1st day of May, 2017, 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, Manwarren, Waller, Peterson, Feldman

ABSENT: Lykke, Harper

The Board welcomed new member Jason Manwarren.

It was moved by Board Member Waller, seconded by Board Member Feldman, to approve the minutes of the Zoning Board of Adjustment meeting of April 17, 2017, 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, Great Lakes Communication Corp., 1501 35th Avenue West, Spencer, Iowa**, who was not present. Kirby Schmidt, Planning Director explained the request. The request was for a Special Exception Use to install a 10' high communication antenna on a 50' high multi-family residential dwelling (a communication tower is defined as being: an independent structure of a height more than 35' above ground level used for transmitting and receiving wireless communications) located at 110 4th Street SE; except the S 58' of Lot 1, Block 1, Harris Suburban Lots. There was one written comment in favor of the request from Barry DeLoss, Oak Crete Apartments, 110 4th Street SE (see on file). There were no other comments. It was moved by Board Member Peterson, seconded by Board Member Waller to approve the request as presented; fencing is not required for the antenna.

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

AYES: Baxter, Manwarren, Waller, Peterson, Feldman

NAYS: None

The motion was declared carried.

The Board reviewed a request from **Chris & Terri Carpenter, 1824 2nd Avenue East, Spencer, Iowa**, Chris was present and spoke to the Board. The request was for an Administrative Appeal to appeal a determination of the Spencer Building Official, Kirby Schmidt, regarding the installation of a metal roof system on a residential dwelling, related to Section 9-11-11 (D) 2 and (D) 3 of the Spencer City Code, located at 521 East 11th Street; Lot 14, Block 6, Fairview Addition. There were no other comments. It was moved by Board Member Peterson, seconded by Board Member Waller to **deny** the request as presented and uphold Kirby Schmidt's decision and request that Planning & Zoning Commission revisit the City Code regarding metal roofs and building materials.

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

AYES: Baxter, Manwarren, Waller, Peterson, Feldman

NAYS: None

The motion was declared carried.

The Board reviewed a request from **Bradley Day, 105 West 1st Street, Spencer, Iowa**, Bradley was present and spoke to the Board. The request was for a variance to construct a 14' x 24' detached garage up to within 2' of the west property line (6' minimum in the Central Business District when the property is used for residential purposes) located at 105 West 1st Street; Part of Lot 8, Auditor's Plat #2 and All of Lot 8, Block 7, Lovewell and Hubbard's Addition. There was one written comment in favor of the request from Tim & Leanne Hamrick, owners of 109 West 1st Street. There were no other comments. It was moved by Board Member Waller, seconded by Board Member Peterson to approve the request as presented with the hardship being access from alley prohibits expansion of existing garage; existing garage would not have any additional access if expanded.

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

AYES: Baxter, Manwarren, Waller, Peterson, Feldman

NAYS: None

The motion was declared carried.

Items for future agendas:

It was moved by Board Member Waller, seconded by Board Member Peterson to adjourn the meeting of the Zoning Board of Adjustment at 8:58 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