

ZONING BOARD OF ADJUSTMENT
September 5, 2023
SPENCER, IOWA

The Zoning Board of Adjustment of the City of Spencer, Iowa, met in Regular Session on the 5th day of September, 2023, 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 Steve Waller, and the roll being called, there were present:

PRESENT: Waller, Prentice, Mechler, Schmidt, Beneke, McAlpine, Baxter

ABSENT: None

It was moved by Board Member McAlpine, seconded by Board Member Prentice to approve the minutes of the Zoning Board of Adjustment meeting of August 7, 2023. The motion was carried when all Board Members present voted aye on voice call vote.

The Board received a request for special exception request for **Matthew Graves, 1616 W 11th St, Spencer, IA 51301**. The request is to grant a special exception use to use condo storage space C-10 for purposes of automotive sales at 1520 35th Ave W, Unit C-10, Spencer, IA 51301 per Section 9-9-2 Special Exceptions Zone E (Heavy Industrial). Matthew Graves was present and spoke. The Board discussed concerns with parking for customers. There were no other comments. It was moved by Board Member McAlpine, seconded by Board Member Baxter to **approve** the special exception request.

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

AYES: Waller, Prentice, Mechler, Schmidt, Beneke, McAlpine, Baxter

NAYS : None

The motion was declared carried.

The Board received a variance request for **Susan El-Badry, 301 W 9th St, Spencer, IA 51301**. The request is for a variance to construct a 29'-9" W x 4'-2" D x 4'-5" H front deck on the south side of the existing house (former church) up to within <10 ft (25 ft required) from the South (front) property line & up to within <8 ft (25 ft required) from the East (front) property line. Susan El-Badry was present and spoke. There were no other comments. It was moved by Board Member Beneke, seconded by Board Member Schmidt to **approve** the variance request with the condition the East 8' of the deck is removed in the request due to visibility issues on 3rd Ave W with the hardship being a corner lot and the age of the structure.

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

AYES: Waller, Prentice, Mechler, Schmidt, Beneke, McAlpine, Baxter

NAYS: None

The motion was declared carried.

The Board received a variance request for **Optometric Building Partnership, 2312 23rd St Bx Ag, Spirit Lake, IA 51360**. The request is for a variance to construct a 6 ft W x 16 ft D x <12 ft H enclosed front entrance on the west side of the existing building up to within 19.3 ft (50 ft required) from the South (front) property line at 3 E 18th St, Spencer, IA 51301. Anna Harmon, Building Services Official and Adam Severson, Planning Director both spoke to explain the request. There were no other comments. It was moved by Board Member Baxter, seconded by Board Member Beneke to **approve** the variance request to include minimum ADA standards and push button operators at entrance doors. The hardship was lack of ADA access.

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

AYES: Waller, Prentice, Mechler, Beneke, McAlpine, Baxter

NAYS: Schmidt

The motion was declared carried.

The Board received an administrative appeal request for **Cheryl Woolery, 620 E 18th St, Spencer, IA 51301**. The request is to waive all fees associated with extension of the building permit #2022348 (residential remodel) for renovation work at 400 E 10th St. Original Permit #2022348 issued 11/23/2022, expired 7/21/2023 total \$65. Reissued Permit #2023222 issued 7/21/2023, expired 3/17/2024 total \$130. Fees doubled per city code 8-1-2.E. It was moved by Board Member Baxter, seconded by Board Member McAlpine to **table** the request for the Board to hear from Cheryl Woolery at the next Zoning Board of Adjustment meeting.

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

AYES: Waller, Prentice, Mechler, Beneke, McAlpine, Baxter

NAYS: Schmidt

The motion was declared carried.

The Board received a moving permit request for **Glenn Rouse, 122 E 20th St Spencer, IA 51301**. The request is for a moving permit for moving a new 28'W x 32'L x 8' side walls H pre-built, single story garage structure having a loaded height of 15 ft from the city limits to 122 E 20th St. The proposed route will start at the city limits on Hwy Blvd (Hwy 18/71), thence south on Hwy Blvd to W 21st Street, thence east on W 21st Street to 1st Ave E, thence south on 1st Ave E to E 20th St, thence east on E 20th St to 122 E 20th St. Glenn Rouse was present and spoke. There were no other comments. It was moved by Board Member Mechler, seconded by Board Member Baxter to **approve** the request.

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

AYES: Waller, Prentice, Mechler, Schmidt, Beneke, McAlpine, Baxter

NAYS: None

The motion was declared carried.

The Board received a variance request for **Daniel & Kasi Lee, 3020 4th Ave W, Spencer, IA 51301**. The request is for a variance to construct a 13'-6" W x 13'-6" L x 11'-6" H pergola on the east side of the existing house up to within 2.5 ft (6 ft required) from the East (side) property line. Daniel Lee was present and spoke. There were no other comments. It was moved by Board Member Baxter, seconded by Board Member McAlpine to **approve** the variance request subject to review and approval of Spencer Municipal Utilities with overhead utilities in area. Hardship being property grandfathered in C2 zone area.

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

AYES: Waller, Prentice, Mechler, Beneke, McAlpine, Baxter

NAYS: Schmidt

The motion was declared carried.

Items for Future Agendas: None

It was moved by Board Member Prentice, seconded by Board Member Baxter to adjourn the meeting of the Zoning Board of Adjustment at 9:28 o'clock A.M. The motion was declared carried when all Board Members present voted aye on voice call vote.

ATTEST:

Steve Waller, Chair

Mary Beth Breidinger, Deputy City Clerk