

Chairperson, Russ Christensen called the meeting to order at 7:02 p.m.

On Roll Call: David Simington, Larry Flaharty, John Olson, Clinton Jones & Russell Christensen.

Motion by David Simington, seconded by John Olson to approve the minutes of meeting number 127 on March 23, 2009 as submitted. All those present voted aye. Motion carried.

The time having arrived for the public hearing on petition number #03-09 of Richard & Carolyn Callaghan, 3289 335th Avenue, Ruthven, Iowa, has filed an application for a variance to Article XI, Section 5 of the Zoning Ordinance on maximum height requirements for a principal building of 25' 6" instead of the required maximum height and a variance on fences for a parcel of land located at 3289 335th Avenue, Ruthven, Lake Township, Clay County, Iowa.

The zoning administrator explained the application and reported procedure to date. All property owners within 500 feet of the property were notified and a legal notice was published in the Daily Reporter. There was one written objection as follows:

My View on this matter is that I think that Callaghan's should not build or keep it to the required max, height they come up here and they think they can do whatever they want. They have changed the scenery enough by putting up the storage sheds and that fence that close to the road every house along there is a single story and if they build up that will look so out of place and the variance on the fences? Why would someone put a fence that close to the road??? And to make it worse they planted bushes along the inside so when the plants "green up" it is going to make it more difficult to see whats coming around the corner and to bring up something else the mail boxes spread out along the road. A reasonable person would put all 3 together and get this. One of those mailboxes nobody lives at, that address it is the address of the sheds and their business is out of their house what are the Callaghans thinking? Its really difficult to back my trailer into my driveway with mailboxes strung out. See photos Thank you this is my opinion, 2 houses to the west. Ronnie Loder.

Richard & Carolyn Callaghan were present to explain the application. The house would not block the view of neighbors. They have informed all the surrounding neighbors of their plans. Richard has retired and they will be spending more time at the lake. They also have custody of their granddaughter and would like a fence to make sure she does not leave the yard.

Following all discussion it was moved by Clinton Jones, seconded by David Simington to adopt the following resolution:

RESOLUTION

WHEREAS, Richard & Carolyn Callaghan, 3289 335th Avenue, Ruthven, Iowa, has filed an appeal #03-09 for a variance to Article XI, Section 5 of the Zoning Ordinance on maximum height requirements for a principal building of 25' 6" instead of the required maximum height and a variance on fences for a parcel of land located at 3289 335th Avenue, Ruthven, Lake Township, Clay County, Iowa.

WHEREAS, the Board of Adjustment has held a public hearing and heard the appeal.

WHEREAS, the Board of Adjustment has determined that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of the land.

WHEREAS, the Board of Adjustment has determined that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

WHEREAS, the Board of Adjustment has determined that the use shall be located, designed, constructed, arranged and operated so as not to interfere with the development and use of adjoining or surrounding property in accordance with the applicable district regulations. This property is not located on the lake and will not block anyone's view.

WHEREAS, the Board of Adjustment has determined that the use shall not have a substantial or undue adverse effect upon adjoining or surrounding property, the character of the neighborhood, conditions, parking, utility facilities or other matters affecting the public health, safety and general welfare of persons residing or working in the vicinity.

WHEREAS, the Board of Adjustment has determined that the use shall not unduly diminish or impair established property values in adjoining or surrounding properties.

WHEREAS, the Board of Adjustment has determined that the use shall be served adequately by essential public facilities.

WHEREAS, the Board of Adjustment has determined that the use complies with all conditions imposed on it by the provisions of the district in which such variances may be authorized.

NOW, THEREFORE, BE IT RESOLVED that since it has been determined, pursuant to the testimony presented at this public hearing that the granting of the variance to to Article XI, Section 5 of the Zoning Ordinance on maximum height requirements for a principal building of 25' 6" instead of the required maximum height and a variance on fences for a parcel of land located at 3289 335th Avenue, Ruthven, Lake Township, Clay County, Iowa, will not adversely affect the public interest, that said request be approved subject to the fence not exceeding 4 feet in height.

Roll Call Vote: Simington, Jones, Olson, Flaharty & Christensen voted aye. Motion carried.

There being no further business, consensus was to adjourn. Meeting adjourned at 7:24 PM.

Clinton Jones, Secretary