

Chairperson, Russ Christensen called the meeting to order at 7:00 p.m.

On Roll Call: David Simington, Larry Flaharty & Russell Christensen.

Motion by David Simington, seconded by Larry Flaharty to approve the minutes of meeting number 125 on April 28, 2008 as submitted. All those present voted aye. Motion carried.

The time having arrived for the public hearing on petition number #12-08 of Dustin Reynolds, 34746 320th Street, Ruthven, Iowa 51358 for a variance to Article XI, Section 5 of the Zoning Ordinance on maximum height for principal building of 25 ½' instead of the median height of 20' for a parcel of land located on Lot (7), Windavere, 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. One written letter was received as follows:

Dear Sirs:

I Object to Appeal No.14-08; which requests a height variance to Article XI, Section 5 of the Zoning Ordinance. Mr. Dustin Reynolds wants to build a building on lot (7) Windavere, Clay County, Iowa of 25 ½' rather than 20' as limited by the above cited zoning ordinance.

My Reynold's wants to building which is 5 ½' higher than any other property owner is allowed to build on Lost Island (Clay Co.) There is no justification for such obvious special treatment, privilege and favoritism.

If the Board thinks the 20' height limitation set out in Article XI Section 5 of the Zoning Ordinance is valid it should be enforced equally without granting special treatment, privilege and favoritism to a select few. The Board has the power to change the height restriction to 25 ½' or any other height they choose. However everyone is treated equally with a zoning change. It is my contention the either all Lost Island land owners should be allowed to build 25 ½' building or none should. Since the Board hasn't changed the 20' height requirement, I object to Mr. Reynolds being granted special treatment, privilege and favoritism to erect structures 5 ½' higher than other property owners are allowed to build.

James Donahue lives within 500' of the subject property and was not given written notice as required by Iowa Code.

Sincerely
Tom Donahue

Dustin & his mother Regina Reynolds were present to explain the application. Mr. Reynolds explained that he had acquired a building permit and while ordering materials changed his original plans not realizing this decision would change the height of his home. Once he realized this he immediately contacted the zoning officer and began the variance process. His home is not located at the lake side and will not block any persons view.

Also present was Jim Donahue, 3274 335th Avenue, Ruthven, Iowa objecting to the variance. Mr. Donahue indicates he feels granting the variance would be favoritism.

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

RESOLUTION

WHEREAS, Dustin Reynolds has filed appeal number 12-08 for a variance to Article XI, Section 5 of the Zoning Ordinance on maximum height for principal building of 25 ½' instead of the median height of 20' for a parcel of land located on Lot (7), Windavere, 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.

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 by Dustin Reynolds for a variance to Article XI, Section 5 of the Zoning Ordinance on maximum height for principal building of 25 ½' instead of the median height of 20' for a parcel of land located on Lot (7), Windavere, Clay County, Iowa, will not adversely affect the public interest, that said request be approved.

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

The time having arrived for the public hearing on petition number #13-08 of Jim & Holly Kelly, 3232 335th Avenue, Ruthven, Iowa 51358 for a variance to build an accessory building without a

principal building for a parcel of land on Lot (6) of Prairie Lakes Subdivision to Sumner Beach, 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.

The applicants, neither in person nor by agent, were not present for the public meeting. No action taken by the Board of Adjustment.

Zoning Administrator, Tammy McKeever, reviewed the lawsuit filed by Iowa Lakes Regional Water.

There being no further business, motion by David Simington, seconded by Larry Flaharty to adjourn. All those present voted aye. Motion carried. Meeting adjourned at 7:54 PM.

Tammy McKeever, Secretary Pro-Temp