

Chairperson Russell Christensen called the meeting to order at 7:35 p.m.

On Roll Call: Larry Flaharty, Clinton Jones, John Olson, David Simington and Russell Christensen. None absent.

It was moved by David Simington, seconded by John Olson, to approve the minutes of meeting number 95 on December 17, 2001. Roll call vote: Jones, Flaharty, Simington, Olson and Christensen voted aye. Motion carried.

The time having arrived for the public hearing on petition number 01-02 and 02-02 of Clay Regional Water, 3121 West 4th Street, Spencer, for a special use permit to build a 72' communication tower and a variance to Article V, Section 5 of the Zoning Ordinance on soil types for a parcel of land located in that part of the Northeast Quarter of Section 22, T-96N, R-35W of the 5th P.M., Freeman Township, Clay County, Iowa; described as COMMENCING at the North Quarter corner of Section 22; thence North 90°00'00" East 594.00 feet along the North line of the Northeast Quarter of said Section 22; thence South 0°00'00" East 115.00 feet to the POINT OF BEGINNING; thence North 90°00'00" East 100.00 feet along a line parallel to the North line of the Northeast Quarter of said Section 22; thence South 0°00'00" East 100.00 feet; thence South 90°00'00" West 100.00 feet along a line parallel to the North line of the Northeast Quarter of said Section 22; thence North 0°00'00" West 100.00 feet to the POINT OF BEGINNING; Said parcel contains approximately 1000.00 square feet subject to easements of record. According to As-Built plans of the highway, the right-of-way is 90 feet in this area, but the parcel is not adjacent to it. The North line of the Northeast Quarter was assumed to bear North 90°00'00" East.

The Zoning Administrator explained the application and reported procedures to date. All property owners within 500 feet of the exterior limits of the above-described property were notified and a notice was published in the Daily Reporter on February 14, 2002. No written objections were received. This property is zoned A-1 Agricultural. Communication towers are permitted in A-1 Agricultural as a special use. The soil type is Clarion Loam, which has a rating of 1. The Zoning Commission recommended the special use request be granted.

Rod Steuben of Clay Regional Water was present to explain his application. The proposed antenna tower to be located in Freeman Township, Section 22 will be a key component in a new communication system for Clay Regional Water. The previous telemetry system was installed in 1980 and has become obsolete. The communication system utilized telephone wire that runs from the pump station eleven miles away to the water tower. Clay Regional Water is unable to get repairs to maintain this antiquated system. The new system uses radio telemetry. The proposed tower site is a prime location having an elevation of 1380 feet. The tower is a freestanding tower and will have no guy wires. The footings will be 5 feet wide by 5 feet long. The tower will be located about 16 feet directly East of the driveway of Dennis Christensen at 3155 Highway 18. It will be 75 feet South of the Highway 18 ROW. No crop will be taken out of production. The tower will be built in the grassy area between the driveway and the crops. Alice Christensen is the landowner and has granted Clay Regional Water an easement to construct the tower on her property.

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

RESOLUTION

WHEREAS, Clay Regional Water, 3121 West 4th Street, Spencer, has filed appeal number 01-02 And 02-02 requesting a special use permit for a 72' communication tower and a variance to Article V, Section 5 of the Zoning Ordinance on soil types for a parcel of land located in that part of the Northeast Quarter of Section 22, T-96N, R-35W of the 5th P.M., Freeman Township, Clay County, Iowa; described as COMMENCING at the North Quarter corner of Section 22; thence North 90°00'00" East 594.00 feet along the North line of the Northeast Quarter of said Section 22; thence South 0° 00'00" East 115.00 feet to the POINT OF BEGINNING; thence North 90°00'00" East 100.00 feet along a line parallel to the North line of the Northeast Quarter of said Section 22; thence South 0°00'00" East 100.00 feet; thence South 90°00'00" West 100.00 feet along a line parallel to the North line of the Northeast Quarter of said Section 22; thence North 0°00'00" West 100.00 feet to the POINT OF BEGINNING; Said parcel contains approximately 1000.00 square feet subject to easements of record. According to As-Built plans of the highway, the right-of-way is 90 feet in this area, but the parcel is not adjacent to it. The North line of the Northeast Quarter was assumed to bear North 90°00'00" East.

WHEREAS, the Zoning Commission has recommended that the special exception use permit for 72' communication tower be granted,

WHEREAS, the Board of Adjustment has held a public hearing and heard the appeal with no written objections presented.

WHEREAS, the Board of Adjustment has determined that the use shall be in harmony with the intent, purpose and spirit of the Zoning Ordinance.

WHEREAS, The Board of Adjustment has determined that the proposed 72' communication tower will be an appropriate use of the land.

WHEREAS, the Board of Adjustment has determined that the 72' communication tower 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 proposed 72' communication tower 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 proposed 72' communication tower shall not unduly diminish or impair established property values in adjoining or surrounding properties.

WHEREAS, the Board of Adjustment has determined that Clay Regional Water shall provide adequate and essential public facilities and services to the proposed 72' communication tower and comply with all applicable regulations of the A-1Agricultural District in which it is located.

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 request will not adversely affect the public interest, that said request for a special use permit for a 72' communication

tower be approved for a tract of land located in that part of the Northeast Quarter of Section 22, T-96N, R-35W of the 5th P.M., Freeman Township, Clay County, Iowa; described as COMMENCING at the North Quarter corner of Section 22; thence North 90°00'00" East 594.00 feet along the North line of the Northeast Quarter of said Section 22; thence South 0° 00'00" East 115.00 feet to the POINT OF BEGINNING; thence North 90°00'00" East 100.00 feet along a line parallel to the North line of the Northeast Quarter of said Section 22; thence South 0°00'00" East 100.00 feet; thence South 90°00'00" West 100.00 feet along a line parallel to the North line of the Northeast Quarter of said Section 22; thence North 0°00'00" West 100.00 feet to the POINT OF BEGINNING; Said parcel contains approximately 1000.00 square feet subject to easements of record. According to As-Built plans of the highway, the right-of-way is 90 feet in this area, but the parcel is not adjacent to it. The North line of the Northeast Quarter was assumed to bear North 90°00'00" East.

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

There being no further business, it was moved by Larry Flaharty, seconded by John Olson, to adjourn at 8:07 p.m. Roll Call Vote: Flaharty, Christensen, Olson, Simington and Jones voted aye. Meeting adjourned.

Clinton Jones - Secretary

Chairperson Russell Christensen called the meeting to order at 8:30 p.m.

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

It was moved by John Olson, seconded by Larry Flaharty, to approve the minutes of meeting number 96 on February 18, 2002. Roll call vote: Flaharty, Simington, Olson and Christensen voted aye. Motion carried.

The time having arrived for the public hearing on petition number 04-02 of Tom Goeken, 1155 330th Street, Everly, for a special use permit for a mining operation and a temporary asphalt plant located in all that part of the North Half (N1/2) of Section Five (5), Township Ninety-six (96) North, Range Thirty-eight (38) West of the 5th P.M., lying North of the right-of-way of the Chicago, Milwaukee & St. Paul Railway, Lone Tree Township, Clay County, Iowa.

The Zoning Administrator explained the application and reported procedures to date. All property owners within 500 feet of the exterior limits of the above-described property were notified and a notice was published in the Daily Reporter on April 17, 2002. No written objections were received. This property is zoned A-1 Agricultural. Mining operations and temporary asphalt plants are permitted in A-1 Agricultural as a special use. The soil type is Wadena Loam, which has a rating of 3. The Zoning Commission recommended the special use request be granted.

Tom Goeken was present to explain his application. The mining operation and temporary asphalt plant will be used for O'Brien and Clay County road projects. Rohlin Construction Company, 1814 7th Avenue South, Estherville, IA 51334 will be operating the temporary asphalt plant and gravel mining facility. According to data provided by Rohlin Construction the truck traffic that will be entering and leaving this plant site would be of legal load limits specified by Clay County and the State of Iowa. The entrance road to the gravel pit location and the area associated with the asphalt plant will be treated for dust control, thus minimizing possible sight hazards caused by the truck traffic entering and leaving the site. In most cases, no paving shall be done prior to one-half hour (1/2) after sunrise and shall cease one-half hour (1/2) prior to sunset. Noise from the operation will not exceed the limits established by the U.S. Department of Labor Mine Safety and Health Administration in 30 CFR, part 56.5050. Rohlin Construction Company will not exceed the 90-decibel noise level and 8-hour time-weighted average at the property line. The Iowa Department of Natural Resources will issue a construction permit for the air emission unit.

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

RESOLUTION

WHEREAS, Tom Goeken, 1155 330th Street, Everly, has filed appeal number 04-02 requesting a special use permit for a mining operation and a temporary asphalt plant located in all that part of the North Half (N1/2) of Section Five (5), Township Ninety-six (96) North, Range Thirty-eight (38) West of the 5th P.M., lying North of the right-of-way of the Chicago, Milwaukee & St. Paul Railway, Lone Tree Township, Clay County, Iowa.

WHEREAS, the Zoning Commission has recommended that the special exception use permit for mining operation and temporary asphalt plant be granted.

WHEREAS, the Board of Adjustment has held a public hearing and heard the appeal with no written objections presented.

WHEREAS, the Board of Adjustment has determined that the use shall be in harmony with the intent, purpose and spirit of the Zoning Ordinance.

WHEREAS, The Board of Adjustment has determined that the proposed mining operation and temporary asphalt plant will be an appropriate use of the land.

WHEREAS, the Board of Adjustment has determined that the mining operation and temporary asphalt plant 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 proposed mining operation and temporary asphalt plant 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 proposed mining operation and temporary asphalt plant shall not unduly diminish or impair established property values in adjoining or surrounding properties.

WHEREAS, the Board of Adjustment has determined that Tom Goeken and Rohlin Construction shall provide adequate and essential public facilities and services to the mining operation and temporary asphalt plant and comply with all applicable regulations of the A-1Agricultural District in which it is located.

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 request will not adversely affect the public interest, that said request for a special use permit for a mining operation and a temporary asphalt plant be approved for a tract of land located in all that part of the North Half (N1/2) of Section Five (5), Township Ninety-six (96) North, Range Thirty-eight (38) West of the 5th P.M., lying North of the right-of-way of the Chicago, Milwaukee & St. Paul Railway, Lone Tree Township, Clay County, Iowa.

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

There being no further business, it was moved by David Simington, seconded by John Olson, to adjourn at 8:47 p.m. Roll Call Vote: Flaharty, Christensen, Olson, Simington voted aye. Meeting adjourned.

Tammy McKeever – Secretary Pro-Tem

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

The meeting was continued to 7:00 p.m. on June 3, 2002 due to the lack of a quorum.

Clinton Jones – Secretary

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

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

It was moved by David Simington, seconded by Clinton Jones, to approve the minutes of meeting number 97 on April 22, 2002. Roll call vote: Jones, Simington, Olson and Christensen voted aye. Motion carried.

The time having arrived for the public hearing on petition number 07-02 of Mary McLaughlin, 1715 330th Street, Everly, IA 51338, for a 18' variance from the 50-foot setback requirements of a front yard located in the NW ¼, Section 5, T-96N, R-37W of the 5th P.M., Riverton Township, Clay County, Iowa.

The Zoning Administrator explained the application and reported procedures to date. All property owners within 500 feet of the exterior limits of the above-described property were notified and a notice was published in the Daily Reporter on May 15, 2002. No written objections were received. This property is zoned A-1 Agricultural.

Mary and Joe McLaughlin were present to explain the application. They plan to construct an addition to meet the non-conforming portion of the house. This would enable the McLaughlin's to change the location of their driveway that currently drifts during the winter.

Glen Chenhall 3620 225th Avenue, Spencer was present to observe the proceedings. Mr. Chenhall made no comments.

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

RESOLUTION

WHEREAS, Mary McLaughlin, 1715 330th Street, Everly, IA 51338, has filed appeal number 07-02 requesting a 18' variance from the 50-foot setback requirements of a front yard located in the NW ¼, Section 5, T-96N, R-37W of the 5th P.M., Riverton Township, Clay County, Iowa.

WHEREAS, the Board of Adjustment has held a public hearing and heard the appeal with no written objections presented.

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.

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 will not adversely

affect the public interest, that said request for a 18' variance of the required 50 foot front yard setback distance be granted for the NW ¼, Section 5, T-96N, R-37W of the 5th P.M., Riverton Township, Clay County, Iowa

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

There being no further business, it was moved by David Simington, seconded by John Olson, to adjourn at 7:17 p.m. Roll Call Vote: Jones, Christensen, Olson, Simington voted aye. Meeting adjourned.

Clinton Jones – Secretary

Chairperson Russell Christensen called the meeting to order at 8:00 p.m.

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

It was moved by John Olson, seconded by Clinton Jones, to approve the minutes of meeting number 99 on June 3, 2002. Roll call vote: Jones, Olson and Christensen voted aye. Motion carried.

The time having arrived for the public hearing on petition number 10-02 of Gaylen Wolthuis, 2745 160th Avenue, Everly, IA 51338, for a special exception use permit for one additional mobile home on a single family non-farm acreage located in a tract of the Southeast Quarter of the Northeast Quart of Section One (1), Township Ninety-seven (97) North, Range Thirty-eight (38) West of the 5th P.M., Waterford Township, Clay County, Iowa.

The Zoning Administrator explained the application and reported procedures to date. All property owners within 500 feet of the exterior limits of the above-described property were notified and a notice was published in the Daily Reporter on June 18, 2002. No written objections were received. This property is zoned A-1 Agricultural.

Gaylen Wolthuis was present to explain the application. He plans to move in a 14 X 70 mobile home onto his parent's property. This will enable him to take care of his parents who have failing health. He will have separate water and septic.

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

RESOLUTION

WHEREAS, Gaylen Wolthuis, 2745 160th Avenue, Everly, IA 51338, has filed appeal number 10-02 requesting a special exception use permit for one additional mobile home on a single family non-farm acreage located in a tract of the Southeast Quarter of the Northeast Quart of Section One (1), Township Ninety-seven (97) North, Range Thirty-eight (38) West of the 5th P.M., Waterford Township, Clay County, Iowa.

WHEREAS, the Zoning Commission has recommended that the special exception use permit for one additional mobile home on a single-family non-farm acreage be granted.

WHEREAS, the Board of Adjustment has held a public hearing and heard the appeal with no written objections presented.

WHEREAS, the Board of Adjustment has determined that the use shall be in harmony with the intent, purpose and spirit of the Zoning Ordinance.

WHEREAS, The Board of Adjustment has determined that the proposed one additional mobile home on a single-family non-farm acreage will be an appropriate use of the land.

WHEREAS, the Board of Adjustment has determined that the one additional mobile home on a single-family non-farm acreage 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 proposed one additional mobile home on a single-family non-farm acreage 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 proposed one additional mobile home on a single-family non-farm acreage shall not unduly diminish or impair established property values in adjoining or surrounding properties.

WHEREAS, the Board of Adjustment has determined that Gaylen Wolthuis shall provide adequate and essential public facilities and services to the one additional mobile home on a single-family non-farm acreage and comply with all applicable regulations of the A-1 Agricultural District in which it is located.

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 request will not adversely affect the public interest, that said request for a special use permit for one additional mobile home on a single-family non-farm acreage be approved for a tract of land located in the Southeast Quarter of the Northeast Quart of Section One (1), Township Ninety-seven (97) North, Range Thirty-eight (38) West of the 5th P.M., Waterford Township, Clay County, Iowa.

Roll Call Vote: Jones, Christensen, and Olson voted aye. Motion carried.

The time having arrived for the public hearing on petition number 09-02 of Rohlin Construction, 1814 7th Avenue South, Estherville, IA 51334, for a special exception use permit for a permanent mining operation and a temporary asphalt plant located in the Northwest Quarter and the North Half of the Southwest Quarter of Section Sixteen (16), Township Ninety-four (94) North, Range Thirty-six (36) West of the 5th P.M., Herdland Township, Clay County, Iowa.

The Zoning Administrator explained the application and reported procedures to date. All property owners within 500 feet of the exterior limits of the above-described property were notified and a notice was published in the Daily Reporter on June 18, 2002. No written objections were received. This property is zoned A-1 Agricultural.

Randy Zeigler, Rohlin Construction, 1814 7th Avenue South, Estherville, IA 51334 was present to explain the application. Rohlin Construction Company is requesting the Clay County Zoning Board of Adjustment act favorably on its application for a Special Use Permit to allow a permanent mining operation and a portable asphalt plant to operate on approximately ten acres of land in rural Clay County. Rohlin Construction operates several asphalt plants and gravel mining facilities throughout Northwest Iowa. At these sites, there have not been problems relating to their operations. Any concerns that have arisen have been satisfactorily resolved by working closely with local government and the residents of the area.

Also in attendance was Dennis & Kathy Somers, 4785 240th Avenue, Webb, IA 51366; Jay & Carol Hermstad, 4730 240th Avenue, Webb, IA 51366; Richard & Doris Rentsch, 4747 240th

Avenue, Webb, IA 51366. Their objections to the permanent mining operation and a portable asphalt plant included air quality and safety issues. Kathy Somers suffers from lung cancer and air quality is particularly important to her quality of life. Several children live along 240th Avenue and a school bus travels this road. Other concerns included the lack of care Rohlin provides for the site.

Chairperson Christensen called closed session at 8:45 p.m. and reconvened at 9:00 p.m. The Board of Adjustment fully considered all of the objections presented and indicated Rohlin Construction should have spoken with neighbors prior to the meeting. An effort was made to reach a final decision that would be acceptable to everyone concerned.

It was moved by John Olson to grant Rohlin Construction a Special Use Permit for a permanent mining operation and a portable asphalt plant. Motion withdrawn by John Olson.

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

RESOLUTION

WHEREAS, Rohlin Construction, 1814 7th Avenue South, Estherville, IA 51334, has filed appeal 09-02 requesting a special exception use permit for a permanent mining operation and a temporary asphalt plant located in the Northwest Quarter and the North Half of the Southwest Quarter of Section Sixteen (16), Township Ninety-four (94) North, Range Thirty-six (36) West of the 5th P.M., Herd land Township, Clay County, Iowa.

WHEREAS, the Zoning Commission has recommended that the special exception use permit for permanent mining operation and temporary asphalt plant be denied.

WHEREAS, the Board of Adjustment has held a public hearing and heard the appeal with no written objections presented.

WHEREAS, the Board of Adjustment has determined that the use shall be in harmony with the intent, purpose and spirit of the Zoning Ordinance.

WHEREAS, The Board of Adjustment has determined that the proposed mining operation and temporary asphalt plant will be an appropriate use of the land.

WHEREAS, the Board of Adjustment has determined that the mining operation and temporary asphalt plant 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 proposed mining operation and temporary asphalt plant 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 proposed mining operation and temporary asphalt plant shall not unduly diminish or impair established property values in adjoining or surrounding properties.

WHEREAS, the Board of Adjustment has determined that Rohlin Construction shall provide adequate and essential public facilities and services to the mining operation and temporary asphalt plant and comply with all applicable regulations of the A-1Agricultural District in which it is located.

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 request will not adversely affect the public interest, that said request for a special use permit for a mining operation and a temporary asphalt plant be approved for a tract of land located in the Northwest Quarter and the North Half of the Southwest Quarter of Section Sixteen (16), Township Ninety-four (94) North, Range Thirty-six (36) West of the 5th P.M., Herd land Township, Clay County, Iowa, subject to the following conditions:

- 1) The truck traffic that will be entering and leaving this plant site would be of legal load limits specified by Clay County and the State of Iowa.*
- 2) The entrance road to the gravel pit location and the area associated with the asphalt plant will be treated for dust control continuously including but not limited to blading and utilizing a water truck.*
- 3) With permission from the Clay County Engineer, traffic signs conveying "Caution – Trucks entering highway" will be erected on County Road B63. These signs would be positioned for both lanes of traffic.*
- 4) Additional communication would be given once asphalt production operations begin.*
- 5) Road condition will be restored to the original state.*
- 6) The special use permit for the portable asphalt plant will be specific to the Palo Alto Project. The mining operation will continue for the duration of Rohlin Construction's Five Year Lease.*

Roll Call Vote: Jones, Christensen, and Olson voted aye. Motion carried.

There being no further business, it was moved by John Olson, seconded by Clinton Jones, to adjourn at 9:37 p.m. Roll Call Vote: Jones, Christensen, Olson, voted aye. Meeting adjourned.

Clinton Jones – Secretary

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

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

It was moved by David Simington, seconded by John Olson, to approve the minutes of meeting number 100 on June 23, 2002. Roll call vote: Jones, Flaharty, Simington, Olson and Christensen voted aye. Motion carried.

The time having arrived for the public hearing on petition number 18-02 of Richard Eisenbacher, 2205 290th Street, Spencer, IA 51301, for a variance from the single family non-farm dwelling not exceeding one every ¼, ¼ section located in the NW ¼, Section 18, T-97N, R-36W of the 5th P.M., Meadow Township, Clay County, Iowa.

The Zoning Administrator explained the application and reported procedures to date. All property owners within 500 feet of the exterior limits of the above-described property were notified and a notice was published in the Daily Reporter on August 29, 2002. No written objections were received. This property is zoned A-1 Agricultural.

Richard Eisenbacher was present to explain the application. His current home does not meet personal needs. He would like to sell his house and approximately two (2) acres and build a new home on the remaining 1.6 acres. No land would be taken out of production. He would use the existing driveway for the new home. Ms. Eisenbacher would hook up to rural water install an on-site septic system that meets state code.

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

RESOLUTION

WHEREAS, Richard Eisenbacher, 2205 290th Street, Spencer, IA 51301, has filed appeal number 18-02 requesting a variance from the single family non-farm dwelling not exceeding one every ¼, ¼ section located in the NW ¼, Section 18, T-97N, R-36W of the 5th P.M., Meadow Township, Clay County, Iowa.

WHEREAS, the Board of Adjustment has held a public hearing and heard the appeal with no written objections presented.

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.

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 will not adversely

affect the public interest, that said request for a variance from the single family non-farm dwelling not exceeding one every 1/4, 1/4 section be granted for the NW 1/4, Section 18, T-97N, R-36W of the 5th P.M., Meadow Township, Clay County, Iowa, subject to the following:

- 1) Trees will be planted 20 feet and bushes 10 feet from agricultural land.*
- 2) One single family dwelling will be constructed.*

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

There being no further business, it was moved by John Olson, seconded by Clinton Jones, to adjourn at 7:27 p.m. Roll Call Vote: Jones, Christensen, Olson, Flaharty, Simington voted aye. Meeting adjourned.

Clinton Jones – Secretary