

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

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

It was moved by Clinton Jones, seconded by John Olson, to approve the minutes of meeting number 101 on September 3, 2002. Roll call vote: Jones, Olson and Christensen voted aye. Motion carried.

The next item of business was the election of officers. It was moved by Clinton Jones, seconded by John Olson, that the current chairperson, Russell Christensen, that the current vice - chairperson, John Olson, and that the current secretary, Clinton Jones, be re-elected by a unanimous ballot. Roll Call Vote: Olson, Jones, & Christensen voted aye. Motion carried.

The time having arrived for the public hearing on petition number 12-03 & 13-03 of Rodger & Beverly Carstensen, 718 East 5th Street, Spencer, Iowa, for a special exception use permit for a non-farm dwelling and a variance to Article V, Section 5 of the Zoning Ordinance on density and soil type located in the Southeast Quarter SE ¼ of Section Twenty-eight (28), Township Ninety-seven (97) North, Range Thirty-seven (37) West of the 5th P.M., Summit Township, Clay County, Iowa, which will be four (4) acres, more or less.

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 23, 2003. No written objections were received.

Rodger & Beverly Carstensen, 718 East 5th Street, Spencer, Iowa were present to explain the application.

Also in attendance was Douglas Rutter, 107 West 9th Street, Spencer, Iowa owner of the above-described property. Mr. Rutter is in support of the proposed special exception use permit and variance.

It was noted that the applicant, Rodger Carstensen, and his wife, Beverly Carstensen, have no objection to normal legal farming activity that will occur around their dwelling.

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

RESOLUTION

WHEREAS, Rodger & Beverly Carstensen, 718 East 5th Street, Spencer, Iowa, 51301, has filed appeal number 12-03 & 13-03 requesting a special use permit to construct a single family non-farm dwelling and a variance to Article V, Section 5 of the Zoning Ordinance on density and soil type for a parcel of land located in the SE ¼ of Section Twenty-eight (28), Township Ninety-seven (97) North, Range Thirty-seven (37) West of the 5th P.M., Summit Township, Clay County, Iowa, which will be four (4) acres, more or less.

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 special use permit & variance and that the special use permit & 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 special use permit & 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 special use permit & variance will not adversely affect the public interest, that said request for a special use permit to construct a single family non-farm dwelling and a variance to Article V, Section 5 of the Zoning Ordinance on density and soil type for a parcel of land located in the SE ¼ of Section Twenty-eight (28), Township Ninety-seven (97) North, Range Thirty-seven (37) West of the 5th P.M., Summit Township, Clay County, Iowa, which will be four (4) acres, more or less be approved.

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

There being no further business, it was moved by John Olson, seconded by Clinton Jones, to adjourn at 7:52 p.m. Roll Call Vote: Jones, Christensen, Olson voted aye. Meeting adjourned.

Clinton Jones – Secretary

Chairperson Russell Christensen called the meeting to order at 8:25 p.m.

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

It was moved by Clinton Jones, seconded by David Simington, to approve the minutes of meeting number 102 on April 28, 2003. Roll call vote: Jones, Simington and Christensen voted aye. Motion carried.

The time having arrived for the public hearing on petition number 23-03 & 24-03 of Wireless Network Management, Inc., P O Box 164, Milford, IA 51351 for a special use permit to construct a communication tower and a for a variance from the 50 foot setback and soil type on a parcel of land located in the South One-Half of the Northeast Quarter of Section 12, Township 95 North, Range 38 West, Fifth Principal Meridian, Clay 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 13, 2003. The following written objection was received. The zoning commission recommended the petitioner resubmit the application because of improper flagging and notification.

August 18, 2003
Royal, Iowa 51357

Dear Gentlemen,

I oppose the installation of a communication tower next to my property. It is an agricultural zone.

The communication tower would be an eyesore. Also, it would lessen the value of my property and be a nuisance.

In addition, the communication tower might be a potential health risk with the transmission of the waves. Finally, it is not the place to put a tower in a residential area.

In conclusion, I do not want a communication tower next to my house. I am justly opposed to such an endeavor. Thank you.

Sincerely,

Lucille Walstrom
Sharon Wessling, daughter

Dean Lonning, Wireless Network Management, P O Box 164, Milford, Iowa was present to explain the application. The communication tower will be a three legged free standing tower approximately 190'. Wireless Network Management will do cleanup on the property. Fans in the building would face away from the homes. There are no health risks associated with a communication tower. This is a prime location to provide service to Royal. Wireless Network Management would sell the remaining property unused for the communication tower. Electrical service to the tower would be underground.

Also in attendance were Lucille Walstrom, Douglas Walstrom, Alfred J. Wessling, Shawn Walstrom Wessling, Kathy Walstrom, Dennis Galloway, Jim Christensen, Dwight Schmidt, and Jim Ginger all of Royal. All were in attendance to object to the petition. Concerns from the attendees included: eyesore, tower collapsing, competition to already existing Royal service, lightening and health risks.

It was brought to attention that not everyone within 500' of the property was notified and that flagging had not been done by Wireless Network Management.

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

RESOLUTION

WHEREAS, Wireless Network Management, Inc., P O Box 164, Milford, IA 51351 has filed appeal number 23-03 & 24-03 for a special use permit to construct a communication tower and for a variance from the 50 foot setback and soil type for a parcel of land located in the South One-Half of the Northeast Quarter of Section 12, Township 95 North, Range 38 West, Fifth Principal Meridian, Clay Township, Clay County, Iowa.

WHEREAS, the Board of Adjustment has held a public hearing and heard the appeal with one written objection presented.

WHEREAS, the Board of Adjustment has determined that the reasons set forth in the application does not justify the granting of the special use permit & variance and that the special use permit & variance is not a reasonable use of prime agricultural land.

WHEREAS, the Board of Adjustment has determined that the granting of the special use permit & variance would not be in harmony with the general purpose and intent of this Ordinance and may 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 special use permit & variance will adversely affect the public interest, that said request for a special use permit to construct a communication tower and a variance to Article V, Section 5 of the Zoning Ordinance on setbacks and soil type for a parcel of land located in the South One-Half of the Northeast Quarter of Section 12, Township 95 North, Range 38 West, Fifth Principal Meridian, Clay Township, Clay County, Iowa be denied.

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

There being no further business, it was moved by David Simington, seconded by Clinton Jones, to adjourn at 8:57 p.m. Roll Call Vote: Jones, Christensen, Simington voted aye. Meeting adjourned.

Clinton Jones – Secretary

Chairperson Russell Christensen called the meeting to order at 7:03 p.m.

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

It was moved by John Olson, seconded by Larry Flaharty, to approve the minutes of meeting number 103 on August 18, 2003 with the following change. Following all discussion, it was moved by Clinton Jones, seconded by David Simington to adopt the following resolution: Roll call vote: Simington, Olson, Flaharty and Christensen voted aye. Motion carried.

The time having arrived for the public hearing on petition number 32-03 of Richard R. and Carolyn G. Callaghan, 25156 295th Street, Neola, IA 51559-4026 for a variance from the 40-foot rear yard setback requirement to an 8-foot setback and 12-foot front yard setback instead of the 24-foot for a mini storage business on Lots Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12) and Thirteen (13) of Block "A" of the plats of Sumner Beach, in Government Lots 5 and 6, Section Thirty-six (36), Township Ninety-seven (97) North, Range Thirty-five (35) West of the 5th P.M., Lake Township, Clay County.

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 October 8, 2003. No written objections were received.

Richard R. and Carolyn G. Callaghan, 25156 295th Street, Neola, IA 51559-4026 were present to explain the application. The Callaghan's intend to build nice storage buildings with a pitched roof and a 6' chain linked fence around the buildings.

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

RESOLUTION

WHEREAS, Richard R. and Carolyn G. Callaghan, 25156 295th Street, Neola, IA 51559-4026 has filed appeal number 32-03 for a variance from the 40-foot rear yard setback requirement to an 8-foot setback and 12-foot front yard setback instead of the 24-foot for a mini storage business on Lots Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12) and Thirteen (13) of Block "A" of the plats of Sumner Beach, in Government Lots 5 and 6, Section Thirty-six (36), Township Ninety-seven (97) North, Range Thirty-five (35) West of the 5th P.M., Lake Township, Clay County.

WHEREAS, the Board of Adjustment has been informed of the proposed fence and that the storage buildings will be built one at a time as each building becomes fully utilized with no more than three (3) buildings on said property.

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

WHEREAS, the Board of Adjustment has determined that the reasons set forth in the application does justify the granting of the variance and that the variance is a reasonable use.

WHEREAS, the Board of Adjustment has determined that the granting of the variance would be in harmony with the general purpose and intent of this Ordinance and would 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 to Article V, Section 5 of the Zoning Ordinance on setbacks for land located on Lots Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12) and Thirteen (13) of Block "A" of the plats of Sumner Beach, in Government Lots 5 and 6, Section Thirty-six (36), Township Ninety-seven (97) North, Range Thirty-five (35) West of the 5th P.M., Lake Township, Clay County be approved..

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

There being no further business, it was moved by David Simington, seconded by John Olson, to adjourn at 7:35 p.m. Roll Call Vote: Christensen, Simington, Flaharty & Olson voted aye. Meeting adjourned.

Tammy McKeever, Secretary – Pro Tem