

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

On Roll Call: John Olson, Larry Flaharty & Russell Christensen.

Motion by John Olson, seconded by Larry Flaharty to approve the minutes of meeting number 130 on September 28, 2009 as submitted. All those present voted aye. Motion carried.

The time having arrived for the public hearing on petition number #02-10 of Robert & Carolyn Banwart, 5789 485th Street, West Bend, Iowa 50597, for a variance to Article XI, Section 5 of the Zoning Ordinance on yard setbacks and maximum height of a principal building. The request is for a 2' setback instead of a 4' setback for the east side yard, a 16' setback from the rear instead of 20', a two story house instead of a 1 ½ story house and a variance from the required lot area of 5,000 square feet for a parcel of land located at Cabin 8 of 3350 340th Avenue, Ruthven, 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 statement as follows:

March 2, 2010

We have received notice of the variance that Robert D. Banwart is requesting on Cabin 8 of 3350 340th Ave. Ruthven, Ia.

We have no issues with what is being requested but ask that strong advisement to instill upon the builder that contractors make daily provisions for access to our property and that the 20 foot easements not be blocked. This has not been the case in current construction. Our access to our property has been blocked with construction materials, dirt piles, etc. We do realize that the Banwart's have more room on the opposite side of the road for these materials and also feel confident that they will try to help with this issue.

We use our property the entire year and it is very important that we can keep the road clear so that propane can be delivered to our cabin. With one construction just about complete and the second one just starting and now a third, we have strong concerns regarding access during the spring and summer.

We welcome the new buildings in our area and are excited for the Banwart's.

Myron & Mary Sargisson
3350 340th Ave # 13
Ruthven, Iowa 51358
Cell # 712-281-0183

Robert and Carolyn Banwart, 5789 485th Street, West Bend was present to explain the application. Also in attendance was Ron Brockmeyer, 3360 340th Avenue, Ruthven and Jeff Rosacker, contractor, to support the application. Mr. Banwart and Mr. Rosacker both stated that the new home will be in line with other homes next to their property. Mr. Rosacker indicated he will be diligent to ensure he does not block access to other people's property.

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

RESOLUTION

WHEREAS, Robert & Carolyn Banwart, 5789 485th Street, West Bend, Iowa 50597, have filed an application for a variance to Article XI, Section 5 of the Zoning Ordinance on yard setbacks and maximum height of a principal building. The request is for a 2' setback instead of a 4' setback for the east side yard, a 16' setback from the rear instead of 20', a two story house instead of a 1 ½ story house and a variance from the required lot area of 5,000 square feet for a parcel of land located at Cabin 8 of 3350 340th Avenue, Ruthven, 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 to Article XI, Section 5 of the Zoning Ordinance on yard setbacks and maximum height of a principal building and

that the request is for a 2' setback instead of a 4' setback for the east side yard, a 16' setback from the rear instead of 20', a two story house instead of a 1 ½ story house and a variance from the required lot area of 5,000 square feet for a parcel of land located at Cabin 8 of 3350 340th Avenue, Ruthven, Clay County, Iowa, will not adversely affect the public interest, that said request be approved.

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

Zoning Administrator, Tammy McKeever, gave an update regarding the revision of the land use map by the Planning & Zoning Commission.

There being no further business, motion by John Olson, seconded by Larry Flaharty to adjourn. Meeting adjourned at 7:33 PM.

Tammy McKeever, Pro-Temp Secretary