

David Simington called the meeting to order at 8:00 p.m.

On Roll Call: John Olson, David Simington, & Clinton Jones.

Motion by Clinton Jones, seconded by John Olson to approve the minutes of meeting number 129 on August 10, 2009 as submitted. All those present voted aye. Motion carried.

The time having arrived for the public hearing on petition number #15-09 of Terry & Nora Frieden, 6316 Brocketts Crossing, Alexandria, VA 22315 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, 17' from rear instead of 20' and a two story house instead of a 1 ½ story house for a parcel of land located at Cabin 6 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 were no written objections.

Robert Banwart, 5789 485th Street, West Bend was present to represent Terry & Nora Frieden and explain the application.

Ron Brockmeyer, 3360 340th Avenue, Ruthven was present to support the application.

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

RESOLUTION

WHEREAS, Terry & Nora Frieden, 6316 Brocketts Crossing, Alexandria, VA 22315 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, 17' from rear instead of 20' and a two story house instead of a 1 ½ story house for a parcel of land located at Cabin 6 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. 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 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, 17' from rear instead of 20' and a two story house instead of a 1 ½ story house for a parcel of land located at Cabin 6 of 3350 340th Avenue, Ruthven, Clay County, Iowa, will not adversely affect the public interest, that said request be approved.

Roll Call Vote: Jones, Olson & Simington 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, consensus was to adjourn. Meeting adjourned at 8:17 PM.

Clinton Jones, Secretary