

Chairperson, Russ Christensen called the meeting to order at 7:01 p.m.

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

Motion by David Simington, seconded by John Olson to approve the minutes of meeting number 126 on August 4, 2008 as submitted. All those present voted aye. Motion carried.

The time having arrived for the public hearing on petition number #02-09 of Jason Chaffin, 2974 252<sup>nd</sup> Avenue, Spencer, Iowa, has filed an application for a variance to Article IX, Section 5 of the Zoning Ordinance on front yard setbacks for a principal building of 18' instead of the required setback of 30' for a parcel of land located at 2974 252<sup>nd</sup> Avenue, Langdon, Meadow Township, 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 not written objections.

Jason & Brandi Chaffin were present to explain the application. The house was built in the early 1900's when zoning was not in place. Mr. and Mrs. Chaffin would like to build on, but because of the original placement of the home they do not meet setbacks.

Also present was Jeannie and Ken Lawrence, parents and neighbor to Brandi Chaffin. Jean Jackson, Meadow Township Trustee was also in attendance to question the ownership of a platted road on the Chaffin property. All were in favor of the variance being granted.

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

**RESOLUTION**

*WHEREAS, Jason Chaffin has filed appeal number 02-09 for a variance to Article IX, Section 5 of the Zoning Ordinance on front yard setbacks for a principal building of 18' instead of the required setback of 30' for a parcel of land located at 2974 252<sup>nd</sup> Avenue, Langdon, Meadow Township, 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 IX, Section 5 of the Zoning Ordinance on front yard setbacks for a principal building of 18' instead of the required setback of 30' for a parcel of land located at 2974 252<sup>nd</sup> Avenue, Langdon, Meadow Township, Clay County, Iowa, will not adversely affect the public interest, that said request be approved.*

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

The next item of business was the election of officer. It was moved by Larry Flaharty, seconded by David Simington, that the current Chairperson, Russell Christensen, be re-elected by unanimous vote. All those present voted aye. Motion carried. It was moved by John Olson, seconded by Larry Flaharty, that David Simington be elected Vice Chairperson. All those present voted aye. Motion carried. It was moved by Larry Flaharty, seconded by David Simington, that the current Secretary, Clinton Jones, be re-elected by unanimous vote. All those present voted aye. Motion carried.

Zoning Administrator, Tammy McKeever, informed the board that she had a DVD regarding the importance of zoning that the members could check out.

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

There being no further business, motion by John Olson, seconded by David Simington to adjourn. All those present voted aye. Motion carried. Meeting adjourned at 7:47 PM.

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Tammy McKeever, Secretary Pro-Temp