

# CITY OF HUXLEY

**Notice of Huxley Zoning Board of Adjustment Meeting Notice and Agenda**

**For Monday, March 27, 2017 at 7:00 P.M.**

**City Council Chambers at the Huxley City Hall**

**PUBLIC NOTICE IS HEREBY GIVEN THAT THE HUXLEY ZONING BOARD OF ADJUSTMENT OF THE CITY OF HUXLEY, IOWA, WILL MEET IN THE CITY COUNCIL CHAMBERS AT 515 NORTH MAIN AVE, ON THE FIRST FLOOR OF THE 3C'S, HUXLEY, IOWA, AT 7:00 P.M. ON MONDAY THE 27TH OF MARCH 2017 TO CONSIDER THE MATTERS ENUMBERATED IN THE FOLLOWING AGENDA:**

1. Roll Call/Introductions
2. Approval of minutes from the Monday November 16, 2015 meeting.
3. Hearings:
  - a. **PUBLIC HEARING; ON A REQUEST FOR A SPECIAL PERMIT UNDER SECTION 165.43(4)(K) OF THE ZONING ORDINANCES FOR PROPERTY LOCATED AT 107 N. 3RD AVE., HUXLEY, IOWA**
    1. Chairman opens hearing
    2. Discussion
    3. Motion to close hearing
4. Motion to approve a Special Permit to property owner Stephen Lance Baker per section 165.43(4) (K) of the Zoning Ordinances.
5. Miscellaneous.
6. Adjournment.

**THIS NOTICE IS HEREBY GIVEN AT LEAST 24 HOURS PRIOR TO THE COMMENCEMENT OF THE MEETING SPECIFIED ABOVE. THIS WAS DONE BY ADVISING THE NEWS MEDIA WHO HAVE FILED A REQUEST FOR NOTICE AND BY POSTING THE NOTICE ON THE FRONT WINDOW IN THE LOBBY AREA IN CITY HALL THAT IS ACCESSIBLE TO THE PUBLIC. THIS WAS ALL PURSUANT TO CHAPTER 21 OF THE CODE OF IOWA.**

  
John Haldeman, Zoning Administrator

# ZBA NOTES



# Zoning Board of Adjustment Meeting Notes

Monday March 27, 2017

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Stephen "Lance" Baker at 107 N 3<sup>rd</sup> Ave would like to build a garage and has made an appeal to the Board of Adjustments in regard to a variance of 3 feet off the required 8-foot side yard setback (sections 165.43(4)(K) of the Huxley Zoning Ordinance). Lance has already torn down his 24 x 20 detached garage that was built in 1955 and would like to replace the garage with a 30 x 30 x 10 detached garage. The property is zoned R2 and therefore requires an 8-foot side yard setback from the lot line however, a 5-foot side yard setback is needed for the garage to fit.

On February 28, 2017, Lance attended the City Council meeting to discuss with council. He has also submitted a building permit (see attached) that will be submitted to Safe Building should the board decide to grant the variance.

There are some photos included to show use the garage area before it was torn down. Lance indicated that old garage was built 62 years ago. The setbacks and yard requirements were different at that time compared to today.

## **ADDITIONAL COMMUNITY NOTES:**

The Development activity in Huxley has been increasing over the past several months. We are currently involved with 8 different prospects. They are doing their due diligence to help their project to be successful.

Most of the 8 prospects are currently looking for ground in the communities that they are researching. Here is Huxley this could be lots in HDC, Blue Sky and/or lots within town.

Since we last met we have two subdivisions that currently have houses under construction. A new one up north that is working on an annexation plan.

From visiting with these businesses several have indicated that they would like to see a restaurant locate in Huxley. We have good restaurants but ones that have higher seating capacity for large groups.

# **Minutes from Nov 16, 2015**

# Huxley Zoning Board of Adjustment Minutes

**November 16, 2015 Regular Meeting  
6:35 PM – Huxley Safe Room**

**1.0) CALL TO ORDER AND ROLL CALL:** Chairman Ed DenBeste called the Meeting to order at 6:35 PM. ZBA members present:

Ed DenBeste, Roger Wheeler, Paul Wilken, Allison Easter.

Absent: John Rodhen

**Guests Present:** Jake West- Van Wall Energy

**Staff Present:** John Haldeman- Zoning Administrator

**Consultants Present:** Jim Nervig- Zoning Attorney; Brick Gentry

**2.0) MOTION TO APPROVE THE MINUTES FROM THE FOLLOWING MEETINGS:**

-Minutes from the February 23, 2015 meeting. Motion to approve – Roger Wheeler and seconded by Paul Wilken. Motion carried MCU.

**3.0) PUBLIC HEARING:**

The Zoning Board of Adjustment held a public hearing to discuss and act on a request for a Special Permit under section 165.43(4)(k) of the Zoning Ordinances for property located at 1485 Blue Sky Blvd., Huxley, Iowa.

The Chairman opened the hearing at 6:37 pm

Jake West from Van Wall Energy presented their reasons for asking for a Special Permit. They indicated that they could not meet the requirements requiring them to have the “Fall Zone” totally on their property. The “Fall Zone” from the center of the base was 140’ tower, 30’ blades + 10% = 187’. Board members had questions and discussion took place.

At 6:54 there was no further discussion. Paul Wilken moved to close the hearing and Allison Easter seconded that motion. MCU

**Motion by Wilken to approve and issue a Special Permit numbered 2015-11-16 for an exception to the “Fall Zone” to the South. Seconded by Roger Wheeler. Motion Carried 4-0.**

**4.0) MISCELLANEOUS BUSINESS:**

At the meeting on February 23, 2015 the Board elected Ed DenBeste to the Chair position. At this meeting Paul Wilken was nominated for Vice-Chairperson and it passed 4-0.

Brief discussion took place about the projects going on around town

**5.0) ADJOURNMENT**

**Motion by Wheeler to adjourn the Zoning Board of Adjustment Meeting at 7:55pm. Second by Wilken. 5 Ayes, 0-Nays. -Motion Carried-**

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Ed DenBeste, Chairman

**Appeal to  
Board of  
Adjustments**



**HUXLEY**  
— HEART OF THE PRAIRIE —

**Appeal to the Board of Adjustments**

Date Submitted: 3-2-17 Board Review Date: \_\_\_\_\_  
Property Owner: Stephen Lance Baker  
Property Address: 107 N. 3rd Ave.  
Property Zoning: R2  
Legal Description: 23-82-24 comm 9.24' N SW COR LOT 6W 1/2 SE

Please provide a detailed explanation of work to be done and variance needed:

Will be tearing down a 24x20 garage built in 1955 and replacing with a 30x30x10 detached garage. R2 zoning requires 8 foot side clearance from lot line and I need 5' to fit my garage. I have spoken with city council regarding this on 2/28/17 and also submitted my design to John Halderman on 3-1-17. My variance would be to allow me to use a 5 foot side set back instead of 8 feet. The R2 code shows a 5 foot each side for a detached building but there is not a clear definition of "building" (see attached)

The fee for variance is nonrefundable. All neighboring property owners will be notified of this variance request plus a notice will be published in a local newspaper. Please include a fully dimensional, to scale, site plan.

Signed: [Signature] Date: 3-2-17

Appeal to Zoning Board of Adjustments – \$200  
Special Use Permits - \$100

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(office use only)

Date Hearing Advertised: \_\_\_\_\_

Decision of the Board:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**165.22 R-2 DISTRICT – SINGLE-FAMILY AND DUPLEX RESIDENTIAL DISTRICT.** The R-2 District is intended and designed for certain medium density residential areas of the City now developed with single-family and duplex residences, and areas where similar residential development is appropriate. The R-2 District is subject to the following regulations:

1. Permitted Uses. Only the following uses of structures or land shall be permitted in the R-2 District:
  - A. Any use permitted in the R-1 District.
  - B. Duplex residences.
  - C. Bed and breakfast establishment.
2. Bulk Regulations. The following minimum requirements shall be observed in the R-2 District:

Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Maximum Height
single-family dwelling: 7,000 square feet  duplex: 12,000 square feet <sup>1</sup>	single-family dwelling: 50 feet  duplex: 65 feet	30 feet	8 feet each side <sup>2</sup>	25 feet	principal building: 35 feet accessory building: 20 feet
<ol style="list-style-type: none"> <li>1 For preexisting nonconforming lots, the minimum lot area shall be 6,000 square feet for an unbuilt lot and any size for a built lot where the dwelling has been destroyed.</li> <li>2 For detached building, 5 feet each side.</li> </ol>					

3. Solar Access. No structure or improvement to an existing structure shall be situated so that it shades an adjacent residence in a significant way or interferes significantly in the use of solar devices.
4. Other Standards. All uses shall meet the parking, design and sign standards of this chapter.



107 N. 3rd Ave.  
Huxley, IA 50124

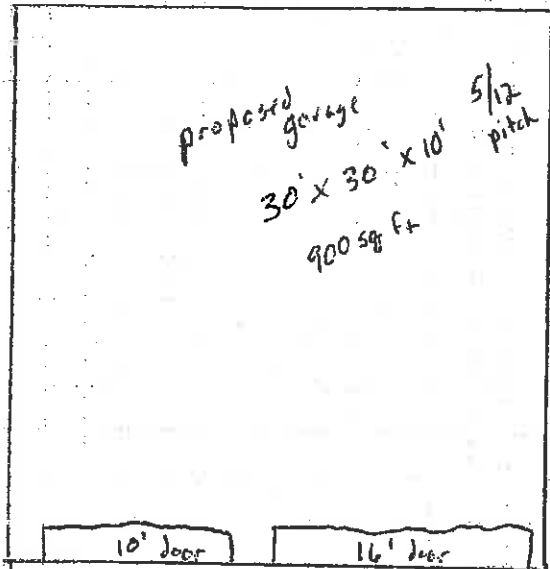
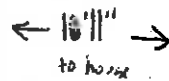
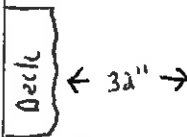
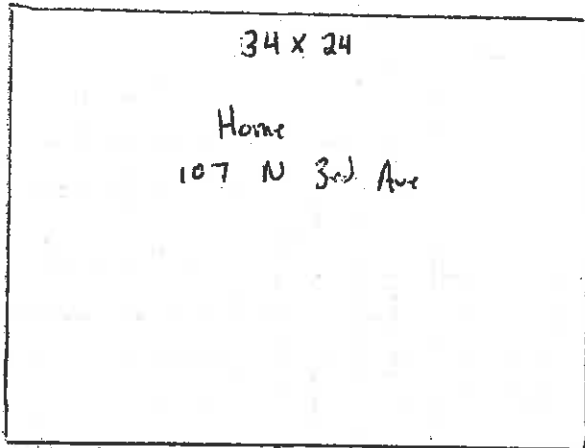
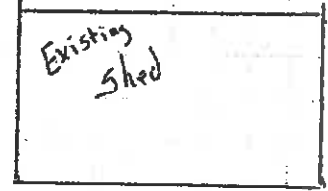
# SITE PLAN

Number of Buildings Now on Lot \_\_\_\_\_ Use of Buildings Now on Lot \_\_\_\_\_

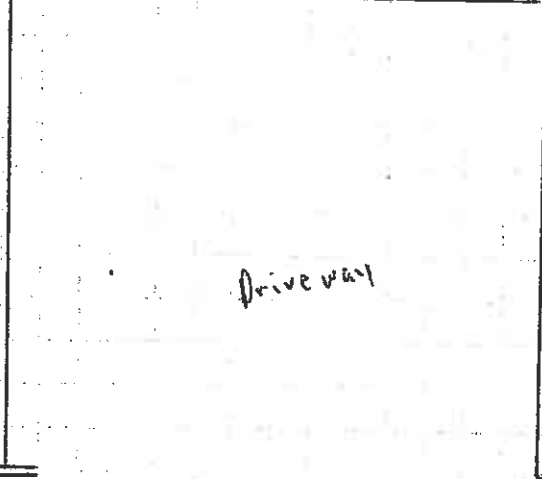
Proposed Use for New Improvement \_\_\_\_\_

Lot Line 22'8" to back of garage

Option 1  
5' side set back



5'8" to side of garage  
LOT Line



← N. 3rd Ave →

107 N. 3rd Ave  
Huxley, IA 50124

# SITE PLAN

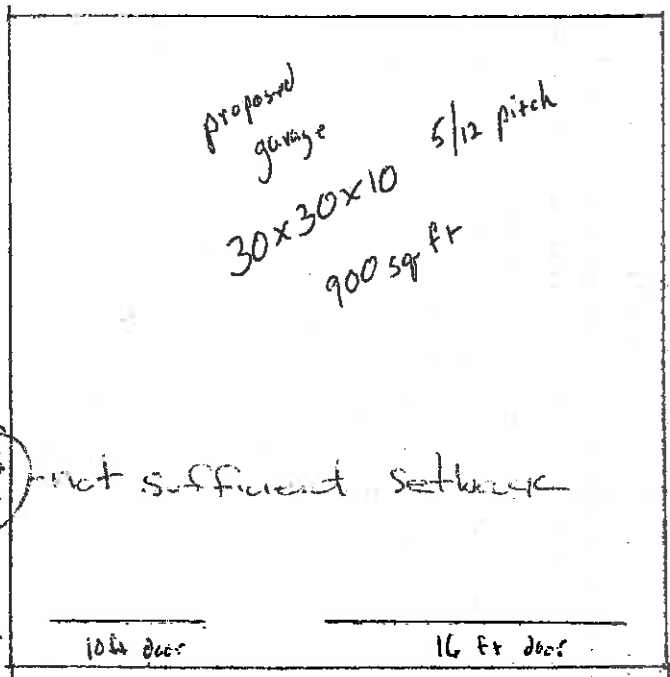
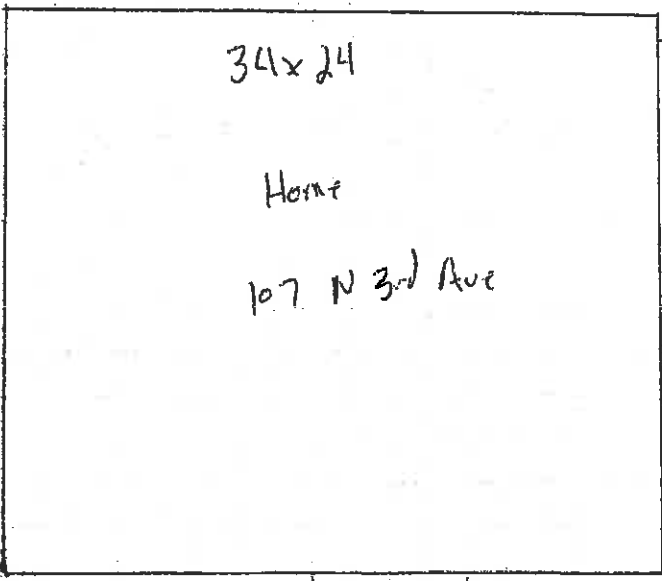
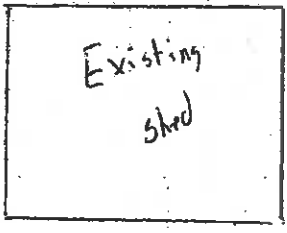
Number of Buildings Now on Lot \_\_\_\_\_ Use of Buildings Now on Lot \_\_\_\_\_

Proposed Use for New Improvement \_\_\_\_\_

Lot Line 22' 8" to back of garage



Option 2  
8' set back



not sufficient setback

Driveway

← N. 3rd Ave.

# **Notice of Public Hearing**

## NOTICE OF PUBLIC HEARING

**TO: ALL CITIZENS AND ALL PARTIES IN INTEREST WHO MAY BE ENTITLED TO NOTICE AND OPPORTUNITY TO BE HEARD ON A REQUEST FOR A SPECIAL PERMIT UNDER SECTION 165.43(4)(K) OF THE ZONING ORDINANCES FOR PROPERTY LOCATED AT 107 N. 3<sup>RD</sup> AVE., HUXLEY, IOWA**

You are hereby notified that at 7:00 o'clock p.m. on the 27<sup>th</sup> day of March, 2017, in the City Council Chambers, City Hall, 515 N. Main St., Huxley, Iowa, the Board of Adjustment of Huxley, Iowa, will hold a public hearing on an application for special permit by property owner Stephen Lance Baker, under section 165.43(4)(K) of the Zoning Ordinances to allow the construction of a replacement of an existing detached garage with a new garage on property located at 107 N. 3<sup>rd</sup> Ave., Huxley, Iowa. The applicant requests a special permit granting an exception to the applicable R-2 District requirement of section 165.22(2) that the minimum side yard is eight feet on each side. The applicant asks that the Board grant a special exception of three feet of the required eight-foot side yard setback, so that the new garage shall be permitted side yards of five feet on each side.

All persons will have the opportunity to be heard on such proposals at such time and place. Thereafter, the Board of Adjustment may take action on such request for a special permit without further notice or opportunity for hearing.

Dated the 17 day of March, 2017.

Ed DenBeste  
Board Chairperson

**City Code**

J. Mini-storage buildings and outdoor storage lots provided they are on a paved surface, surrounded by an eight-foot fence, properly screened on all sides, and in the M zoning districts only.

K. Practical Difficulties. The Board shall have the power to authorize exceptions to any setback, area, length, width, yard size, or projection limitations or to the minimum required number of off-street parking or loading spaces; provided, such an exception may be granted only where:

- (1) Such exception does not exceed 50 percent of the particular limitation or number in question; or such exception is from a yard requirement to permit an addition to an existing legal nonconforming building, and such addition extends no further into the required yard than the existing building;
- (2) The exception relates entirely to a use classified by applicable district regulations as either a principal permitted use, a permitted accessory use, a permitted sign, or to off-street parking or loading areas accessory to such a permitted use;
- (3) The exception is reasonably necessary due to practical difficulties related to the land in question that prohibit the use of the subject property in a manner reasonably similar to that of other property in the same district, including, but not limited to, exceptional narrowness, shallowness or shape of the subject property, exceptional topographical conditions, location of public utilities or public improvements on or adjacent to the subject property, or other extraordinary or exceptional situation;
- (4) Such practical difficulties cannot be overcome by any feasible alternative means other than an exception; and
- (5) The exception is in harmony with the essential character of the neighborhood of the land in question.

5. Conditions Applicable to Special Permits. Before issuing any special permit for any building or use, the Board of Adjustment shall review the conformity of the proposed building or use with the standards of the comprehensive plan, and with recognized principles of civic design, land use planning and landscape architecture. The Board of Adjustment may approve the special permit as submitted, or before approval, may require that the applicant modify, alter, adjust or amend the proposal as the Board of Adjustment deems necessary to the end that it preserves the intent and purpose of this chapter to promote public health, safety, morals and the general welfare. Applications for a special permit under the terms of this section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property and shall include a site plan defining the areas to be developed for buildings, the areas to be developed for parking, the locations of sidewalks and driveways and the points of ingress and egress, including access streets where required, the location and heights of walls, the location and type of landscaping and the location, size and number of signs. In the event a special permit is granted, any change thereafter in the approved use or site plan shall be re-submitted and considered in the same manner as the original proposal. The Board shall give at least ten days' public notice of the hearing on each application for a special permit.

# Property Maps

Garage has been removed.





An aerial satellite photograph of a building complex. A location pin is placed on a central building, with the text "107 N 3rd Ave" overlaid in white. The image shows various structures, including a large rectangular building in the foreground and several smaller buildings behind it. A road or path runs along the right side of the complex. The overall scene is captured in grayscale, typical of satellite imagery.

107 N 3rd Ave

**Decision  
Granting  
Variance**

**BOARD OF ADJUSTMENT  
OF THE CITY OF HUXLEY, IOWA**

**DECISION GRANTING VARIANCE**

**17-0001**

RE: Variance of 3 feet off the required 8-foot side yard setback for local address of 107 North 3<sup>rd</sup> Ave, Huxley, Iowa.

On March 27, 2017, the Board of Adjustment of the City of Huxley held a public hearing on the Appeal to the Board of Adjustments filed by Stephen Lance Baker relating to the property described above.

The Board finds that the applicant has established that exceptional hardship exists by reason of the exceptional narrowness of the subject lot, and that the variance is justified under all of the requirements of sections 165.43(4)(K) of the Huxley Zoning Ordinance.

Accordingly, the Board Chairperson is authorized to execute this written decision and to cause it to be filed of record in the office of the Recorder of Story County, Iowa.

Board of Adjustment

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Ed DenBeste, Chairperson

**STATE OF IOWA, COUNTY OF STORY**

This record was acknowledged before me on March 27, 2017 by Ed DenBeste, in his capacity as Chairperson for the Board of Adjustment of the City of Huxley.

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Notary Public

**Building  
Permit  
Application**

# CITY OF HUXLEY

515 N. Main Ave.  
Huxley, IA 50124  
PHONE: 515.597.2561

# BUILDING PERMIT APPLICATION

**IMPORTANT!** Work Authorized By This Permit Must Begin Within 6 Months of Permit Approval Date  
Complete ALL Information Requested and include SITE PLAN & BUILDING PLAN

	NAME	ADDRESS	PHONE NUMBER
OWNER	Stephen Lance Baker	107 N. 3rd Ave Huxley	515-203-1158
CONTRACTOR	Self		
ARCHITECT			
PLUMBING			
MECHANICAL			
ELECTRICAL			
Primary Contact #	Lance Baker	same	515-203-1158
Secondary Contact #	Chelsea Baker	same	515-402-6412

Legal Description of Property 107 N. 3rd Ave

23-82-24 Comm 9.29' N SW COR LOT 6 W 1/2 SE N 100' E 96.99' S 100' W 96.94'

Zoning R2

Building Address 107 N. 3rd Ave.

(menard's design & kit) \*

Description of Work Building Garage 30w x 32 x 10h = 960sq ft w/masonry block footings

Basement Finish (SF) \_\_\_\_\_ Deck (SF, Covered/Uncovered) (see code R1+R2)

Estimated Cost of Work\* \$15,000 Size (SF) \_\_\_\_\_

\*The final determination of value for calculating the permit fee will be made by the building official.

CONSTRUCTION FEES / PERMITS	FEE	RECEIPT #	DATE PAID	PERMIT #
BUILDING PERMIT	Chart			
ELECTRICAL PERMIT (IF NEEDED)	Chart			
PLUMBING PERMIT (IF NEEDED)	Chart			
HEATING PERMIT (IF NEEDED)	Chart			
MANUFACTURED HOMES	\$200			
OTHER				

UTILITY CONNECTION FEES / PERMITS	FEE	RECEIPT #	DATE PAID	PERMIT #
WATER CONNECTION FEE	\$500			
WATER METER w/HARDWARE (3/4" hook up)	\$125			
IRRIGATION METER (3/4" hook up)	\$255			
WATER TAPPING FEE	\$200			
SEWER CONNECTION FEE	\$430			
SEWER TAPPING FEE	\$250			
STREET OPENING	\$25			
ADMINISTRATIVE FEE	\$25			
DEPOSIT	\$500			

FOR INSPECTIONS CONTACT: **SAFE BUILDING @ 515-333-4161**

The owner of this building and the undersigned agree to conform to all applicable laws of the City of Huxley and the State of Iowa.

Signature of Applicant [Signature] Address 107 N. 3rd Ave. Application Date 3/6/17

**DO NOT WRITE IN SPACE BELOW - FOR OFFICE USE ONLY**

Approved By \_\_\_\_\_ Valuation \_\_\_\_\_ Approval Date \_\_\_\_\_

# SITE PLAN

Number of Buildings Now on Lot 2 Use of Buildings Now on Lot 2

Proposed Use for New Improvement New Garage

