

# Regular Spencer Zoning Board of Adjustment Meeting (Amended)

Monday, July 6, 2026  
8:15 AM  
Council Chambers, City Hall  
101 W. 5th Street  
Spencer, Iowa

1. **Pledge of Allegiance**

2. **Roll Call**

3. **Motion Adoption**

- A. Approve June 1, 2026 Minutes

4. **Old Business**

- A. **A. Request for Variance (Public Hearing)** Jarold & Donna Krogman

1712 14<sup>th</sup> Ave W

Spencer, IA 51301

- 1. A variance to construct a new 8'-0" W x 10'-0"L x less than 20'-0"H detached accessory building up to within 0 ft of the N & 0 ft of the E property lines.

**At 1712 14th Ave W, PT N 8B & S 32' 9B HALLETTS 4TH Y SUBDIV. LOT B** to the City of Spencer, Clay County Iowa.

Motion to Approve the Variance Request with / without conditions:

or

Motion to Deny the Variance Request

5. **New Business**

- A. Elect Chairperson and Vice Chair for 2026-2027

**B. . Request for Variance (Public Hearing)** Joshua Long  
1213 W 5<sup>th</sup> St

Spencer, IA 51301

1. A variance to construct an addition 8'-0" W x 26'-0" L x 1 story to the west side of the existing house up to within 3 ft of the west (side) property line.

At **1213 W 5<sup>th</sup> St, 23 4 WESTSHIRE** to the City of Spencer, Clay County Iowa.

Motion to Approve the Variance Request with / without conditions:

or

Motion to Deny the Variance Request

**C. Request for Variance (Public Hearing)** Ricky Allen & Kande Lee Petersen  
529 E Park St

Spencer, IA 51301

1. A variance to construct a new 900 SF detached storage building on the lot immediately adjacent (contiguous) to their lot that would be 435 SF in excess of allotted 10% of lot area for detached buildings.

At **525 E Park St, PT 12 H W SMITH SUB PT 13 H W SMITH SUB** to the City of Spencer, Clay County Iowa.

Motion to Approve the Variance Request with / without conditions:

or

Motion to Deny the Variance Request

**6. Items for Future Agendas**

**7. Adjourn**

**ZONING BOARD OF ADJUSTMENT**  
**June 1, 2026**  
**SPENCER, IOWA**

The Zoning Board of Adjustment of the City of Spencer, Iowa, met in Regular Session on the 1st day of June, 2026, at 8:15 o'clock A.M., in the Council Chambers, City Hall, Spencer, Iowa, pursuant to law, to adjournment and to the rules of said Zoning Board of Adjustment.

The meeting was called to order by Chairperson Waller, and the roll being called, there were present:

PRESENT: Waller, Mechler, Schmidt, Beneke, McAlpine, Storey, Greenough

ABSENT: None

It was moved by Board Member Beneke, seconded by Board Member Mechler to approve the minutes of the Zoning Board of Adjustment meeting of May 11, 2026. The motion was carried when all Board Members present voted aye on voice call vote.

The Board received a renewal request from David & Kirsten Doebel, 3219 W 3rd St, Spencer, IA, 51301. David Doebel was present and spoke. The request was to renew an expired variance (approved originally on July 10, 2023) to construct a new 10'-0" Wx12'-0" L x less than 20'0" H detached accessory building within a front yard at 3219 W 3rd St, Lot 3, Westfield by IGL First Addition to the City of Spencer, Clay County Iowa. It was moved by Board Member Beneke, seconded by Board Member McAlpine to approve the renewal request as presented.

Upon roll call vote, the vote thereon was as follows:

AYES: Waller, Mechler, Schmidt, Beneke, McAlpine, Storey, Greenough

NAYS: None

The motion was declared carried.

The Board received a request from Jarold & Donna Krogman, 1712 14th Ave W, Spencer, IA. 51301. Jarold was present and spoke. Anna Harmon, Building Code Official, and Adam Severson, Planning Director, spoke. Bob Bates, 2009 22nd Ave W was present and spoke. There was one written comment against the request received from Jllill M. Davis representing Bob and Kim Bates, 2009 22nd Ave W (on file). The request was for a variance to construct a new 10'-0" W x 12'-0" H detached accessory building up to within 0 ft of the N & 0 ft of the E property lines at 1712 14th Ave W, PT N 8B and S 32' 9B Halletts 4th Y Subdivision Lot B to the City of Spencer, Clay County, Iowa.

It was moved by Board Member Schmidt, seconded by Board Member Mechler to Table Action on the Variance Request until further information on the sewer easement is received.

Upon roll call vote, the vote thereon was as follows:

AYES: Waller, Mechler, Schmidt, Beneke, McAlpine, Storey, Greenough

NAYS: None

The motion was declared carried.

The board received a variance request from Eric & Kristen Meeter, 201 E 5th St, Spencer, IA 51301. Greg Meter was present and spoke. Anna Harmon, Building Code Official, spoke. The request was to construct a 6 ft H privacy fence up to within 0 ft of the W property line at 201 E 5th St. 7 B 3rd RY ADD to the City of Spencer, Clay County, Iowa. It was moved by Board Member Schmidt, seconded by Greenough to deny the variance request.

Upon roll call vote, the vote thereon was as follows:

AYES: Schmidt, McAlpine

NAYS: Mechler, Beneke, Waller, McAlpine, Storey

The motion failed due to a lack of vote.

It was moved by Board member Mechler, seconded by McAlpine to approve the variance request with the hardship being lot size at 201 E 5<sup>th</sup> St, Spencer, IA 51301.

Upon roll call vote, the vote thereon was as follows:

AYES: Mechler, Beneke, Waller, McAlpine, Storey

NAYS: Schmidt, McAlpine

The motion was declared carried.

The board received a request for a sign variance from Spencer Hospital, 1200 1<sup>st</sup> Ave E, Spencer, IA 51301. Joel Wassom, Plan Operations Director, Spencer Hospital, was present and spoke. Anna Harmon, Building Code Official, spoke. The request was for a variance to construct a 32 SF (24 SF req) brick monument sign reading "Hospital" and a brick monument sign reading "Emergency" to be placed up to within 6.5 ft (15 ft req) of N property line and up to within 11.7 ft (15 ft req) of W property line at SE corner of intersection of Hwy Blvd & E 12<sup>th</sup> St, BLK 26 G & A & Vacated Street to the City of Spencer, Clay County, Iowa. It was moved by Board Member Mechler, seconded by Board Member McAlpine to approve the sign variance request with the hardship being practical difficultly.

Upon roll call vote, the vote thereon was as follows:

AYES: Waller, Mechler, Beneke, McAlpine, Storey, Greenough

NAYS: Schmidt

The motion was declared carried.

The board received a request for a sign variance from Spencer Hospital, 1200 1<sup>st</sup> Ave E, Spencer, IA 51301. Joel Wassom, Plan Operations Director, Spencer Hospital, was present and spoke. Anna Harmon, Building Code Official, spoke. The request was for a variance to construct a 32 SF (24 SF req) brick monument sign reading "Emergency" at 1018 Grand Ave, W 100' 5 2 Albee Claypool Messenger Resurvey & Subdiv of Block 2 1<sup>st</sup> RY Add to the city of

Spencer, Clay County, Iowa. It was moved by Board Member Beneke, seconded by Board Member Storey to approve the sign variance request with the hardship being practical difficulty.

Upon roll call vote, the vote thereon was as follows:

AYES: Waller, Mechler, Beneke, McAlpine, Storey, Greenough  
NAYS: Schmidt

The motion was declared carried.

The board received a request for a sign variance from Spencer Hospital, 1200 1<sup>st</sup> Ave E, Spencer, IA 51301. Joel Wassom, was present and spoke. Anna Harmon, Building Code Official, spoke. The request was for a variance to construct a 32 SF (24 SF req) brick monument sign reading "Clinic" at NE corner of intersection Hwy Blvd & E 10<sup>th</sup> St, 2-3 2 Albee Claypool Messenger Resurvey & Subdivision of Blk 2 1<sup>st</sup> RY Add to the City of Spencer, Clay County, Iowa. It was moved by Board Member Storey, seconded by Board Member Mechler to approve the sign variance request with the hardship being practical difficulty.

Upon roll call vote, the vote thereon was as follows:

AYES: Waller, Mechler, Beneke, McAlpine, Storey, Greenough  
NAYS: Schmidt

The motion was declared carried.

It was moved by Board Member Schmidt, seconded by Board Member McAlpine to adjourn the meeting of the Zoning Board of Adjustment at 9:07 o'clock A.M. The motion was declared carried when all Board Members present voted aye on voice call vote.

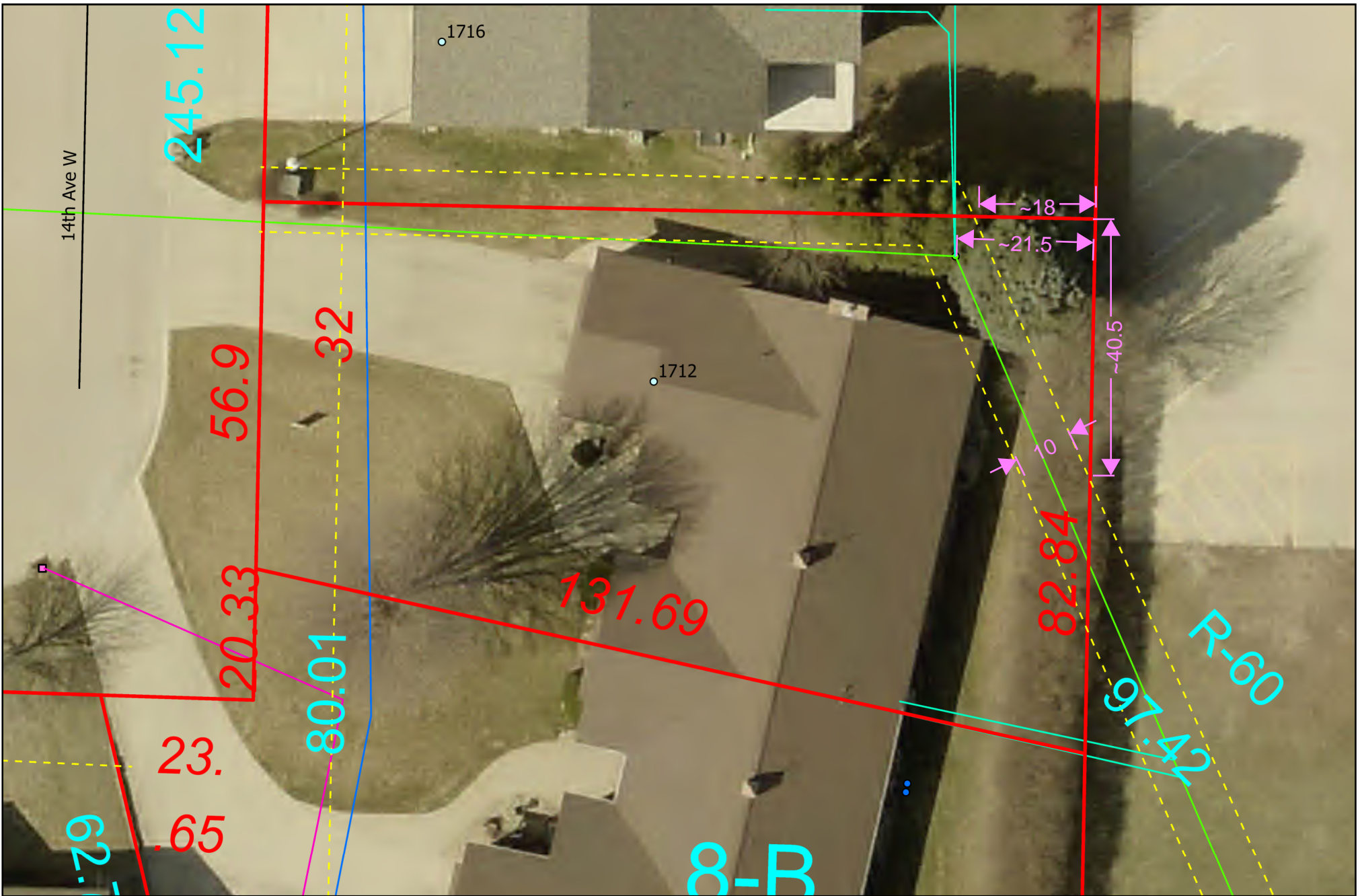
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Steve Waller, Chair

ATTEST:

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Mary Beth Breidinger, City Clerk



1712 14th Ave W



CITY OF SPENCER  
ZONING BOARD OF ADJUSTMENT

**OFFICIAL NOTICE OF PUBLIC MEETING**

**8:15 o'clock A.M.**

**July 6, 2026**

**Council Chambers, City Hall  
101 West 5<sup>th</sup> Street, Spencer, Iowa**

**TO WHOM IT MAY CONCERN:**

You are hereby notified that **Jarold & Donna Krogman** have filed a Variance request with the Zoning Board of Adjustment requesting:

1. A variance to construct a new 8'-0" W x 10'-0" L x less than 20'-0" H detached accessory building up to within 0 ft of the N & 0 ft of the E property lines.

**At 1712 14th Ave W, PT N 8B & S 32' 9B HALLETTS 4TH Y SUBDIV. LOT B** to the City of Spencer, Clay County Iowa.

A public hearing will be held on the 6th day of July 2026 at 8:15 o'clock A.M. in person or through conference call. Any interested persons will be heard for or against said proposition at said time.

Mary Beth Breidinger, City Clerk  
Secretary  
Zoning Board of Adjustment

Posted on Property 6-26-2026

Sent to Applicant 6-26-2026

Sent to Adjacent  
Property Owners 6-26-2026

OWNER:

Jarold & Donna Krogman  
1712 14<sup>th</sup> Ave W  
Spencer, IA 51301

ABUTTING PROPERTIES:

Robert & Kimberly Bates  
2009 22<sup>nd</sup> Ave W  
Spencer, IA 51301-2606

Roger & Shirley Westphal  
1710 14<sup>th</sup> Ave W  
Spencer, IA 51301-2856

Spencer Congregation of Jehovahs Witnesses  
1320 W 18<sup>th</sup> St  
Spencer, IA 51301-2840

EASEMENT CONVEYANCE

THIS EASEMENT, made this 16th day of March, 1990, by and between Ervin Hansen and Edith M. Hansen, husband and wife, and William D. Hansen and Roberta L. Hansen, husband and wife, grantors, to The City of Spencer, Iowa, a municipal corporation (Spencer), grantees.

WITNESSETH:

WHEREAS, Hansens are the owners of property legally described as Lots 8-B and 9-B, Subdivision of Lot B, Hallett's 4th "Y" Addition, Spencer, Clay County, Iowa, and,

WHEREAS, Spencer desires to obtain an easement for the purpose of constructing, reconstructing, operating and maintaining a sanitary sewer line and associated appurtenances across said Hansen real estate:

NOW, THEREFORE, BE IT AGREED, between Ervin Hansen, Edith M. Hansen, William D. Hansen, and Roberta Hansen, as follows:

1. Hansens grant a perpetual easement to Spencer as well as its heirs and successors, to utilize the following described real estate for said purposes:

A utility easement 10 feet in width on and across Lot 8-B and Lot 9-B, Subdivision of Lot B, Hallett's 4th "Y" Addition, Spencer, Clay County, Iowa. Said easement is for the purpose of constructing, reconstructing, operating and maintaining a sanitary sewer and associated appurtenances such as manholes. Where said easement passes the curved boundary line of Lot P2-B, the width of the easement narrows for a short distance inasmuch as the described easement centerline is closer than 5 feet to said curved boundary line (approximately 2 feet). The centerline of the easement is described as follows: Commencing at the southwest corner of Lot 9-B, Subdivision of

#2325 ERVIN HANSEN, ETUX, ETAL  
TO  
CITY OF SPENCER  
REC FEE \$15.00

FILED FOR RECORD MARCH 19, 1990 AT  
8:22 AM Dorothy J. Strawn, Recorder  
*Sharon L. McKee* Deputy

Lot B, Hallett's 4th "Y" Addition, Spencer, Clay County, Iowa, and running from this point North 0° 39' 37" West (North 0 degrees, 39 minutes, 37 seconds West) along the west line of said Lot 9-B a distance of 32.00 feet to the point of beginning and running from this point of beginning North 89° 20' 23" East, parallel with the south line of said Lot 9-B, a distance of 107.00 feet; thence South 24° 44' 37" East a distance of 223.30 feet to the east line of Lot 8-B of said Subdivision of Lot B. All bearing stated in this description are based on the assumption that the west line of Lot 9-B has a bearing of North 0° 39' 37" West.

2. Hansens shall have no maintenance obligations for said easement.

3. Spencer and its successors and assigns shall have rights of ingress and egress to said easement for the purpose of constructing, reconstructing, operating and maintaining a sanitary sewer line and associated appurtenances thereto.

4. This easement shall be a covenant running with the land and shall be binding upon the undersigned parties and upon their heirs, successors and assigns.

IN WITNESS WHEREOF, Ervin Hansen, Edith M. Hansen, William D. Hansen, and Roberta L. Hansen, have set their hands this 16<sup>th</sup> day of March, 1990.

William D. Hansen  
William D. Hansen

Roberta L. Hansen  
Roberta L. Hansen

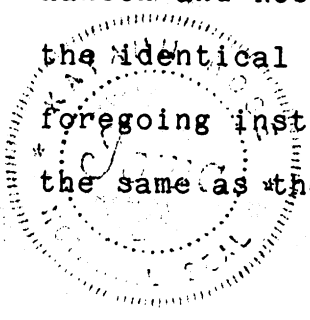
Ervin E. Hansen  
Ervin E. Hansen

Edith M. Hansen  
Edith M. Hansen

#2325 continued

STATE OF IOWA, COUNTY OF Clay, ss:

On this 16<sup>th</sup> day of March, 1990, before me, a Notary Public in and for the State of Iowa, personally appeared William D. Hansen and Roberta L. Hansen, husband and wife, to me known to be the identical persons named in and who executed the above and foregoing instrument, and acknowledged to me that they executed the same as their voluntary act and deed.



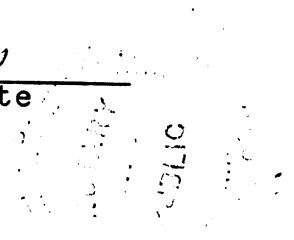
Karen Rose  
Notary Public in and for Said State

STATE OF ARIZONA, COUNTY OF Maricopa, ss:

On this 12<sup>th</sup> day of March, 1990, before me, a Notary Public in and for the State of Iowa, personally appeared Ervin Hansen and Edith M. Hansen, husband and wife, to me known to be the identical persons named in and who executed the above and foregoing instrument, and acknowledged to me that they executed the same as their voluntary act and deed.

Carolyn S. Brown  
Notary Public in and for Said State

My Commission Expires Jan. 2, 1994



2325

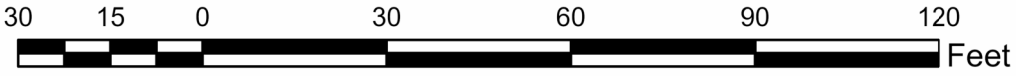
FILED Town Lot Deeds  
BOOK H-3 PAGE 1  
FEE 15.00

90 MAR 19 AM 8:22  
Dorothy J. Strawn  
DOROTHY J. STRAWN  
CLAY CO. RECORDER

55H



1213 W 5th St





**APPEAL TO THE SPENCER ZONING BOARD OF ADJUSTMENT  
ZONING VARIANCE APPLICATION**

Ph: (712) 580-7200 101 W. 5<sup>th</sup> Street Spencer, Iowa 51301 Hours: 8am - 5pm www.spenceriowacity.com

For questions, contact Anna Harmon, Building Code Officer(x228) or Adam Severson, Planning Director (x217)

OFFICE USE ONLY			
Date Issued:	Date Expired:	Date Paid: <u>6/12/20</u>	Date Inspected:
Variance #: <u>2024905</u>	Zoning District: <u>A</u>	Proposed Hearing Date: <u>7/6/2024</u>	
Subdivision (lot, block, subdivision name): <u>lot 23 Block 4 Westshire</u>			

PROPERTY & OWNER INFORMATION	
Owner (Legal) Name: Joshua Long	Phone #:
Owner (Legal) Address: 1213 West 5th Street	Cell #: 712-260-8679
Site Address (if different than above):	Email: longjos11@gmail.com
City/State/Zip: Spencer, Iowa, 51301	

APPLICANT INFORMATION (if other than OWNER)	
<input type="checkbox"/> Builder <input type="checkbox"/> Contractor <input type="checkbox"/> Design Professional <input type="checkbox"/> Other:	
Applicant Name (if other than owner):	
Applicant Business Name (if applicable):	
Address:	
City / State / Zip:	
Phone:	Cell:                      Email:

**JUSTIFICATION FOR THE REQUESTED VARIANCE**

**A variance is the changing of law in a specific instance in order to lessen a practical difficulty caused by the zoning regulations. Regulations for Variances can be found under *Section 9-12-2: Variance Procedure* in the Spencer Zoning Code. Applicants must include the following:**

1. I wish to appeal to the Spencer Zoning Board of Adjustment by requesting a variance for: \_\_\_\_\_  
1213 West 5th Street, Spencer, Iowa  
 \_\_\_\_\_  
 \_\_\_\_\_

*(Detailed description of the variance requested)*

2. Describe specifically what is **unique, special or different about your property** or building(s) that are not present in other buildings or properties in your zoning district: Our home is located on a curve of West 5th Street. Our property is wide up front and get narrow towards the back, like a pie shaped. We would like to add a 8'x26' Master bathroom/walk-in closet. The addition would violate the 6' offset rule. The NW corner of the addition would be approximately 3' from the West property line.  
 \_\_\_\_\_  
 \_\_\_\_\_

3. Describe the **practical difficulty that would deny you rights** on your property if the city's zoning code were literally applied to your property or building(s). Describe **why your property value may be reduced or nullified** if you were not granted this variance: We would like to stay in our home because we love the neighborhood, there a lot of other kids for our kids to play with and would have the ability to pay our home off early in a few years.
  
4. Give the reasons or presence of a **practical difficulty** that is unique to your property/building which were **not caused by your actions**: The shape of the lot had to be the way it is beause of the road. No one person is to blame for the shape of the lot. The odd shape of the lot requires a variance for the addition we would like to do.
  
5. Please list or describe any other information that will be important to the Zoning Board of Adjustment when evaluating this variance application: While we do this rennovation, we would also replace the main sewer line as many other houses in the neighborhood have replaced theirs. I am deploying with the Iowa Army National Guard this summer and will return next spring/summer. We intend to begin the project around that time. We have also spoken with Chris Garnatz and he will be our contractor for this project.

**REQUIRED ATTACHMENT AND FEES**

1. Complete the attached site plan page or provide other sketch or site plan drawings of the property. Such plan shall include at a minimum: lot lines, dimensions of the lot, easements, existing and proposed structures, distances from the proposed new building/structure to the property lines, and other pertinent information showing the requested variance.
2. This application shall be accompanied by a non-refundable fee of \$250 for Building Variances or a non-refundable fee of \$75 for a Fence or Sign Variance. Submitting an application does not guarantee approval; the Board considers the applicant's information and the attached criteria when reviewing a request.

The Board of Adjustment's power to grant variances does not require approval by the City Council. If the applicant disagrees with a decision of the Board, an appeal may be filed with District Court. Such petition of appeal shall be presented to the court within thirty (30) days after the filing of the decision with the Zoning Administrator.

**ACKNOWLEDGEMENT & SIGNATURE**

*The property owner, by signature, acknowledges and agrees to the conditions of this variance; and that provisions of the building, fire, electrical, plumbing, accessibility, and energy codes may be applicable to the submitted project; and the building & zoning regulations outlined in the Spencer City Code. I hereby will defend, indemnify, protect and hold harmless the City of Spencer and its employees from any and all liability from any claim or cause of action which any person may claim to have by reason of any actual or alleged failure on the part of the undersigned applicant to comply with the terms and provisions thereof. I hereby certify that I have read and examined this application and its attachments and know the same to be complete, true, and correct. All provisions of laws and ordinances governing this type of work shall be complied with whether specified herein or not. I agree and will provide notification of any change prior to construction. The granting of this variance does not presume to give authority to violate or cancel the provision of any other state or local laws regulating construction or the performance of construction. The approved permit allows the construction of the building/structure as noted on this variance application and any submitted documentation. Any unauthorized change to approved plans or use of property as presented will render this variance null and void.*

X

Signed:  Date: 6/12/2020  
 Property Owner

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
 Contractor, Applicant, or other Authorized Representative (as applicable)

## OFFICE USE ONLY

**Board of Adjustment Criteria: (To be answered by BOA at the scheduled Hearing for official record)**

1. If this variance is not granted, can this property yield a reasonable return under the current zoning requirements (development regulations allowed per zone)?      Yes      No

Comments:

2. Is the plight of the owner due to unique circumstances that are not general conditions of the neighborhood in which this property is located?      Yes      No

Comments:

3. Is this practical difficulty self-created?      Yes      No

Comments:

4. Will granting this variance alter the essential character of the neighborhood?      Yes      No

Comments:

**Reviewed by:** \_\_\_\_\_ **Date:** \_\_\_\_\_  
*Building Code Official or Authorized City Representative*

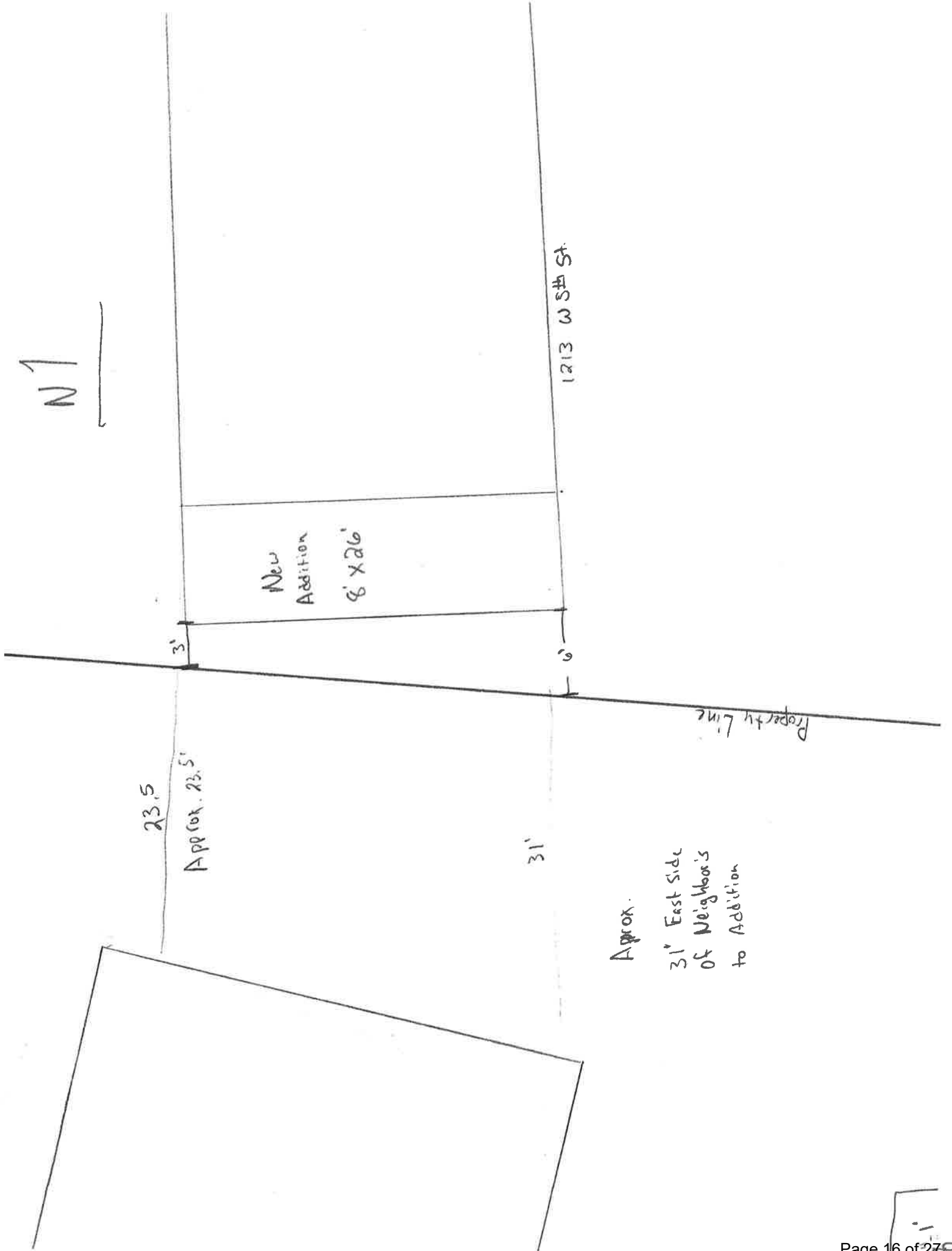
Variance Approved

Variance Denied

Conditional Approval - *conditions required:*

Book # \_\_\_\_\_ Page # \_\_\_\_\_

N1



Approx.  
 31' East Side  
 of Neighbor's  
 to Addition

My name is Josh Long. My wife, Stacie, and I live at 1213 W 5<sup>th</sup> St in Spencer, and we would like to add an 8'x26' addition on the west side of our home. The addition would be a master bathroom with a walk-in closet. The addition will be within 3 ft of the property line at the closet point towards the back or NW corner of the house. Our lot is on a curve, so our property is wide up front and gets narrow towards the back. I have drawn a 1/8" scale sketch to show our home with the addition and how far it is from the property line. I have also included the neighbor's house to the west of our property to give the board an idea of how far away his house is. Due to the shape of our lot, we will need to request a variance for the construction. I have spoken with all my neighbors, and they all have approved and even expressed excitement on the potential addition.

Chris Garnatz will be our contractor for the build. I will also be using JB Excavating for adding a new sewer line and possibly replacing our current sewer line to the street. We will also use Crone Electric for our electrical work.

Construction will start sometime next spring/early summer. I will be deploying this summer with the Iowa Army National guard to eastern Europe. When I return home, we plan on starting construction shortly after. I intend to assist with the construction as much as possible, pending approval of course.

We eagerly look forward to the board decision and appreciate your time.

Respectfully,

Josh & Stacie Long

Cell Phone:712-260-8679

Email: [longjos11@gmail.com](mailto:longjos11@gmail.com)



CITY OF SPENCER  
ZONING BOARD OF ADJUSTMENT

**OFFICIAL NOTICE OF PUBLIC MEETING**

**8:15 o'clock A.M.**

**July 6, 2026**

**Council Chambers, City Hall  
101 West 5<sup>th</sup> Street, Spencer, Iowa**

**TO WHOM IT MAY CONCERN:**

You are hereby notified that **Joshua Long** has filed a Variance request with the Zoning Board of Adjustment requesting:

1. A variance to construct an addition 8'-0" W x 26'-0" L x 1 story to the west side of the existing house up to within 3 ft of the west (side) property line.

At **1213 W 5<sup>th</sup> St, 23 4 WESTSHIRE** to the City of Spencer, Clay County Iowa.

A public hearing will be held on the 6th day of July 2026 at 8:15 o'clock A.M. in person or through conference call. Any interested persons will be heard for or against said proposition at said time.

Mary Beth Breidinger, City Clerk  
Secretary  
Zoning Board of Adjustment

Posted on Property 6-26-2026

Sent to Applicant 6-26-2026

Sent to Adjacent  
Property Owners 6-26-2026

OWNER:

Joshua Long  
1213 W 5<sup>th</sup> St  
Spencer, IA 51301-3028

ABUTTING PROPERTIES:

Tyler & Melissa Horkey  
1207 W 5<sup>th</sup> St  
Spencer, IA 51301-3028

Katelynn Wilkerson  
1204 Pleasant Ln  
Spencer, IA 51301-3058

Rick & Barbara Wilkerson  
2470 Hwy 18  
Spencer, IA 51301-7467

Shane Quist  
504 Prospect Dr  
Spencer, IA 51301-3060



due June 19

## APPEAL TO THE SPENCER ZONING BOARD OF ADJUSTMENT ZONING VARIANCE APPLICATION

Ph: (712) 580-7200 101 W. 5<sup>th</sup> Street Spencer, Iowa 51301 Hours: 8am - 5pm www.spenceriowacity.com

For questions, contact Anna Harmon, Building Code Officer(x228) or Adam Severson, Planning Director (x217)

### OFFICE USE ONLY

Date Issued:	Date Expired:	Date Paid: 6/17/24	Date Inspected:
Variance #: 2026209	Zoning District: A	Proposed Hearing Date: 7/6/2024	
Subdivision (lot, block, subdivision name): Pt 12 H W Smith Sub Pt 13 H W Smith Sub			

### PROPERTY & OWNER INFORMATION

Owner (Legal) Name: Ricky Allen + Kande Lee Petersen	Phone #:
Owner (Legal) Address: 524 E Park St	Cell #: 712-260-3570
Site Address (if different than above): 525 E Park St	Email:
City/State/Zip: Spencer Iowa 51301	petersenrick59@gmail.com

### APPLICANT INFORMATION (if other than OWNER)

Builder    Contractor    Design Professional    Other:

Applicant Name (if other than owner):

Applicant Business Name (if applicable):

Address:

City / State / Zip:

Phone:                      Cell:                      Email:

### JUSTIFICATION FOR THE REQUESTED VARIANCE

**A variance is the changing of law in a specific instance in order to lessen a practical difficulty caused by the zoning regulations. Regulations for Variances can be found under Section 9-12-2: Variance Procedure in the Spencer Zoning Code. Applicants must include the following:**

1. I wish to appeal to the Spencer Zoning Board of Adjustment by requesting a variance for: an additional 465 sq. ft. to build a 30'x30' structure. I am allowed 435 sqft and I need an additional 465 sqft to equal 900 sqft needed for the building.  
(Detailed description of the variance requested)
2. Describe specifically what is **unique, special or different about your property** or building(s) that are not present in other buildings or properties in your zoning district: our property is an empty well kept lot that is not common in our area.

3. Describe the **practical difficulty that would deny you rights** on your property if the city's zoning code were literally applied to your property or building(s). Describe **why your property value may be reduced or nullified** if you were not granted this variance: We would not be able to build and the property would remain empty, and its value would be significantly reduced.
4. Give the reasons or presence of a **practical difficulty** that is unique to your property/building which were **not caused by your actions**: When we purchased the property, the existing house was run-down and beyond repair so we demolished it. Since the demolition, the taxable value has increased.
5. Please list or describe any other information that will be important to the Zoning Board of Adjustment when evaluating this variance application: After speaking with City of Spencer Building Code officials, we received approval to proceed, pending final review by the Spencer Zoning Board of Adjustment.

### REQUIRED ATTACHMENT AND FEES

1. Complete the attached site plan page or provide other sketch or site plan drawings of the property. Such plan shall include at a minimum: lot lines, dimensions of the lot, easements, existing and proposed structures, distances from the proposed new building/structure to the property lines, and other pertinent information showing the requested variance.
2. This application shall be accompanied by a non-refundable fee of \$250 for Building Variances or a non-refundable fee of \$75 for a Fence or Sign Variance. Submitting an application does not guarantee approval; the Board considers the applicant's information and the attached criteria when reviewing a request. to City of Spencer.

The Board of Adjustment's power to grant variances does not require approval by the City Council. If the applicant disagrees with a decision of the Board, an appeal may be filed with District Court. Such petition of appeal shall be presented to the court within thirty (30) days after the filing of the decision with the Zoning Administrator.

### ACKNOWLEDGEMENT & SIGNATURE

*The property owner, by signature, acknowledges and agrees to the conditions of this variance; and that provisions of the building, fire, electrical, plumbing, accessibility, and energy codes may be applicable to the submitted project; and the building & zoning regulations outlined in the Spencer City Code. I hereby will defend, indemnify, protect and hold harmless the City of Spencer and its employees from any and all liability from any claim or cause of action which any person may claim to have by reason of any actual or alleged failure on the part of the undersigned applicant to comply with the terms and provisions thereof. I hereby certify that I have read and examined this application and its attachments and know the same to be complete, true, and correct. All provisions of laws and ordinances governing this type of work shall be complied with whether specified herein or not. I agree and will provide notification of any change prior to construction. The granting of this variance does not presume to give authority to violate or cancel the provision of any other state or local laws regulating construction or the performance of construction. The approved permit allows the construction of the building/structure as noted on this variance application and any submitted documentation. Any unauthorized change to approved plans or use of property as presented will render this variance null and void.*

Signed: Rick Peterson Kand Peterson Date: 6/17/2020  
Property Owner

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Contractor, Applicant, or other Authorized Representative (as applicable)

sidewalls 10ft  
 roof peak ≤ 20ft



## OFFICE USE ONLY

**Board of Adjustment Criteria: (To be answered by BOA at the scheduled Hearing for official record)**

1. If this variance is not granted, can this property yield a reasonable return under the current zoning requirements (development regulations allowed per zone)?      Yes      No

Comments:

2. Is the plight of the owner due to unique circumstances that are not general conditions of the neighborhood in which this property is located?      Yes      No

Comments:

3. Is this practical difficulty self-created?      Yes      No

Comments:

4. Will granting this variance alter the essential character of the neighborhood?      Yes      No

Comments:

**Reviewed by:** \_\_\_\_\_ **Date:** \_\_\_\_\_

*Building Code Official or Authorized City Representative*

Variance Approved

Variance Denied

Conditional Approval - *conditions required:*

Book # \_\_\_\_\_ Page # \_\_\_\_\_



525\_529 E Park St



CITY OF SPENCER  
ZONING BOARD OF ADJUSTMENT

**OFFICIAL NOTICE OF PUBLIC MEETING**

**8:15 o'clock A.M.**

**July 6, 2026**

**Council Chambers, City Hall  
101 West 5<sup>th</sup> Street, Spencer, Iowa**

**TO WHOM IT MAY CONCERN:**

You are hereby notified that **Ricky Allen & Kande Lee Petersen** have filed a Variance request with the Zoning Board of Adjustment requesting:

1. A variance to construct a new 900 SF detached storage building on the lot immediately adjacent (contiguous) to their lot that would be 435 SF in excess of allotted 10% of lot area for detached buildings.

At **525 E Park St, PT 12 H W SMITH SUB PT 13 H W SMITH SUB** to the City of Spencer, Clay County Iowa.

A public hearing will be held on the 6th day of July 2026 at 8:15 o'clock A.M. in person or through conference call. Any interested persons will be heard for or against said proposition at said time.

Mary Beth Breidinger, City Clerk  
Secretary  
Zoning Board of Adjustment

Posted on Property 6-26-2026

Sent to Applicant 6-26-2026

Sent to Adjacent  
Property Owners 6-26-2026

OWNER:

Ricky A & Kande L Petersen  
529 E Park St  
Spencer, IA 51301-5257

ABUTTING PROPERTIES:

Wendy Lickteig  
522 E 1<sup>st</sup> St  
Spencer, IA 51301-5223

Jerry & Deborah Marlow  
530 E 1<sup>st</sup> St  
Spencer, IA 51301-5223

Jerry & Donneta Menke  
103 E 2<sup>nd</sup> St Apt 1  
Spencer, IA 51301-5266