



**Board of Adjustment
Minutes
March 15th, 2011**

The meeting of the Grimes Board of Adjustment was called to order on Tuesday, March 15th, 2011 at 5:48 pm at the Grimes City Hall.

Roll Call: Greg Ryan; James Schaeffer; Jeremy Mason; Asst. Public Works Director Kevin Kestel
Absent: Dick Piphon

APPROVAL OF THE AGENDA –

Moved by Ryan, second by Mason, the Agenda shall be approved.

Roll Call: Ayes: All. Nays: None. Motion passes 3 to 0.

APPROVAL OF MINUTES

Moved by Mason; second by Ryan, the Minutes from the February 15th meeting shall be approved.

Roll Call: Ayes: All. Nays: None. Motion passes 3 to 0.

PUBLIC AGENDA ITEMS.

Public Hearing Appeal 02-11. An application for an appeal from the Grimes Zoning Ordinance has been filed with the Grimes Board of Adjustment by High Plains Construction, Inc. 3850 SE Beisser Drive, Grimes, Iowa. The affected property is located at 3850 SE Beisser Drive, Grimes, Iowa 50111. The request if approved would authorize a variance for the placement of one wind turbine which is only allowed under the A-1 accessory use in an M-3 Zoned District.

Pete Boesen, Representing High Plains Construction, addressed the board to request a variance for the placement of one wind turbine on their property. The physical components of the proposed turbine would include a 12 x 12 foot base, 94 foot in height, with a 30 – 35 foot blade span. Fenced in enclosure. This turbine would be used for testing, research of wind turbine technology as well as demonstration for the High Plain's products. The primary focus for High Plains is to re-manufacture existing wind technology products to refine and improve efficiency. They had three locations to install the potential turbine. Each would be viable, but their preference would be to utilize the central location. One resident had concerns about the potential noise level. Boesen advised that the decibel level would be comparable to a refrigerator, falling between 25-30 decibels. As for safety, one of the largest concerns has been raised about the potential of ice throws, Boesen advised the board that the system has sensors to detect any ice buildup and will shut down the turbine if there is any ice formation.

The Zoning Administrator was required, under provisions of the Zoning Ordinance, to deny the request as it states: Grimes Code of Ordinances Chapter 165.32 M-3 District Regulations does not allow for A-1 Accessory Use. Under provisions of the Grimes Code of Ordinances Chapter 165.20 A-1 (3) M “permitted accessory uses” states: the following accessory uses are permitted in the A-1 District: wind generator mounted on the ground in the rear yard, in accordance with the City Building Code and in accordance with existing or hereafter adopted ordinances of the City. Section 165.40 2.D states that the Board of Adjustments has the authority to issue permits and decide such matters as may be required by other sections of this chapter. This variance is being sought to install one wind turbine as an accessory as permitted in an A-1 Zoning in an area Zoned M-3.

However, the Board of Adjustment, under certain conditions and safeguards, may have the authority to grant the applicant’s request. The request, if approved, would authorize a variance in the M-3 Zoning District for one wind turbine as an accessory as permitted in A-1 Zoning.

Motion to approve was made by Mason, second by Ryan.

Roll Call: Ayes: Mason, Schaeffer, Nays: Ryan. Motion Approved 2-1

Board Action Ref: 02-11

Public Hearing Appeal No. 03-11; An Application for an appeal from the Grimes Zoning Ordinance has been filed with the Grimes Board of Adjustment by Iowa Realty Commercial, 3501 Westown Parkway, West Des Moines, Iowa on behalf of Aslan, 1031 Zorn Avenue, Louisville, Kentucky owned by Solid Ground, LLC, 10888 Hickman Road Ste 3B, Clive, Iowa. The affected property is located at 3605 SE Glenstone Drive, Grimes, Iowa 50111. The request, if approved, would authorize the use of R-3 for “Age Restricted Elder Living Multi-family: in a C-2 Zoned area

The Zoning Administrator was required to refer this to the Board of Adjustment for a Special Use permit to allow a R-3 use in C-2 Zoning. Under provisions of the Grimes Code of Ordinance Chapter 165A.21 which states: “Upon approval of a special use permit, any of the uses permitted in the R-3 District.” shall be allowed in C-2 zoning and Section 165.40 2.D. states that the Board of Adjustment has the authority to “D. To issue permits and decide such matters as may be required by other sections of this chapter.” This request is being sought for the use of R-3 in an area Zoned C-2. The requested use of this site is to provide “Age Restricted Elder Living Multi-Family.

Board Action Ref 03-11.

The motion to Table request for use of a Special Use Permit to allow R-3 use in an area zoned as C-2 was made by Mason and Second by Ryan.

Roll Call: Ayes: Mason, Schaeffer, Ryan; Nays: None. Motion Approved 3-0

III. BOARD DISCUSSIONS

Old Business - None

New Business – None

IV. ADJOURNMENT

Meeting adjourned at 6:45 pm.
