

# SHELDON BOARD OF ADJUSTMENT

Thursday, February 13, 2020

4:00 p.m.

City Council Chambers

## Agenda

1. Call to Order, Roll Call (Introduction of new member, Kathy Kruger).
2. Approve minutes of December 19, 2019.
3. Election of new Chairperson.
4. Consider Special Exception to allow partial 1<sup>st</sup> floor housing at 510-512 9<sup>th</sup> Street (Business Commercial/Downtown zoning) – Top Notch Rentals, LLC, April Schaeffer.
5. Consider Special Exception to allow 2nd floor housing at 1220 2nd Avenue (Arterial Commercial zoning) - NOYB, LLC, Lora Meendering and Tami Vander Veen.
6. Other Comments.
7. Adjourn.

## **City of Sheldon**

### **Sheldon Board of Adjustment Report for February 13, 2020.**

**4:00 p.m. in City Council Chambers, 416 9<sup>th</sup> Street.**

#### **3. Election of new chairperson.**

Attachment: None.

Background: We are grateful for Duane Wahlstrom's many years of service to our community, including as our Mayor and Chairman of the Board of Adjustment. He has decided it is time to retire from his role. Kathy Kruger has been appointed to fill the seat he previously held.

#### **4. Consider Special Exception to allow partial 1st floor housing at 510-512 9th Street (Business Commercial/Downtown zoning) – Top Notch Stitching, April Schaeffer.**

Attachments: Special Exception request; enabling ordinance.

Background: The Planning & Zoning Commission met October 9 to discuss this zoning ordinance amendment (to Zoning Code section 12.3) to allow limited 1<sup>st</sup> floor housing in the Business Commercial Zoning District (Downtown). The P&Z Commission recommended approval. At the October 16 City Council meeting, the hearing was set for November 6. On November 6, the hearing was kept open and continued to November 20, due to concerns raised. The 1<sup>st</sup> reading was approved November 20 and 2<sup>nd</sup> reading was approved December 4. The 3<sup>rd</sup> reading was approved December 18, and the ordinance is now in effect.

The owners of Top Notch Stitching at 510-512 9<sup>th</sup> Street have applied to you under the new ordinance to convert part of their 1<sup>st</sup> floor into housing. While upstairs living in the Downtown zoning district is already a permitted use, the 1<sup>st</sup> floor housing is allowed in a limited capacity, with the granting of a Special Exception from the Board of Adjustment.

The following four requirements were included in the ordinance. These four requirements must be met for the proposal to be considered by the Board of Adjustment:

- Minimum apartment size of 800 square ft.
- 2/3 of the ground floor space shall be for commercial use.
- Side/rear access only.
- Two off-street parking spaces. At the November 20 meeting, it was clarified that access to public parking is not enough. Here is what the City's Zoning Code says regarding off-street parking requirements:

#### **19.5. LOCATION AND TYPE OF PARKING.**

All parking spaces required herein shall be located on the same lot as the building or use served, except that where an increase in the number of spaces is required due to a change or enlargement of use or where such spaces are provided collectively or used jointly by two or more buildings or establishments. Required parking spaces may be located and maintained no more than three hundred feet (300') from institutional or other non-residential buildings.

In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes, shall be properly drawn and executed by the parties concerned, approved as to form and execution, and shall be filed with the application for a zoning permit.

#### **5. Consider Special Exception to allow 2nd floor housing at 1220 2nd Avenue (Arterial Commercial zoning) - NOYB, LLC, Lora Meendering and Tami Vander Veen.**

Attachments: Special Exception request; enabling ordinance.

Background: On December 4, 2019, the City Council approved the rezoning request from Heavy Industrial (HI) to Arterial Commercial (AC). First reading of the rezoning was approved December 4; 2<sup>nd</sup> and 3<sup>rd</sup> readings were waived after no concerns received. On December 18, 2019, the City Council approved an ordinance to allow 2<sup>nd</sup> floor housing in the Arterial Commercial zoning if approved by the Board of Adjustment.

The applicants, Lora Meendering and Tami Vander Veen (on behalf of NOYB, LLC), brought six requests for you to accommodate their vision for a coffee shop and brewery at this location. The first five requests (a – e) were approved by the Board of Adjustment on December 19.

1. Front yard setback reduction: This is a long, narrow lot, and due to the frontage requirement of 50' in the arterial zone, a variance is needed to accommodate an expansion of the front entrance. This will be a reduction of about 10' in the front – from 50' to 40'.
2. Rear yard setback reduction: This is to accommodate a patio, including seating and typical patio illumination. No fencing or building is being proposed. The required rear setback in AC zoning is 10', and the desired setback is zero. This is adjacent to property owned by the railroad. The tracks are still 100' from the rear of the building, and will be about 90' from the west edge of the patio.
3. Cocktail lounge: The Zoning Code allows this use if granted as a special exception by the Board of Adjustment. Here is the definition of Cocktail Lounge in the code:

2.2 (3)(g). *Cocktail Lounge*: A use engaged in the preparation and retail sales of alcoholic beverages for consumption on the premises, including taverns, bars, cocktail lounges, and similar uses.

4. Liquor sales: The Zoning Code allows this use if granted as a special exception by the Board of Adjustment. Here is the definition of Liquor Sales in the code:

2.2 (3)(u). *Liquor Sales*: Establishments or places of business engaged in retail sale for consumption off the premises of alcoholic beverages. Typical uses include but not limited to liquor stores, bottle shops, or any licensed sales for off-site consumption.

5. Allow vehicle and trailer storage (special exception per Zoning Code 11.3). JT Trucking has parked trailers on this lot for some time, and the new owners desire to continue leasing space on the south half of the lot for parking. Salvage would not be allowed, and the property would be required to comply with the City's nuisance codes.

2.2 (3)(c)(9). *Vehicle Storage*: Long term storage of operating or non-operating vehicles. Typical uses include but not limited to storage of private parking tow-a-ways or impound yards, but exclude dismantling or salvage.

6. **Here is the request to be considered at the February 13 Board of Adjustment meeting.** 2nd floor housing to accommodate two apartments. This is the sixth and final request at this time. Due to the timing of the ordinance amendment to allow for 2<sup>nd</sup> floor housing in Arterial Commercial zoning, this item could not be considered at the December 19 Board of Adjustment meeting.

The following four requirements were included in the ordinance, with amended Zoning Code section 11.3. These four requirements must be met for the proposal to be considered by the Board of Adjustment:

- The dwelling unit(s) accessed from the rear and/or side (and not the front) of the principal structure.
- Each dwelling unit have at least two off-street parking spaces, not to include public parking areas (per Zoning Code 19.5).
- Must consist of a minimum of 800 square feet of floor space.
- To located within a principal structure that is also used for a permitted commercial, civic, or industrial use, with at least two-thirds of the ground floor of the principal structure being used for non-storage uses, including a permitted commercial, civic, or industrial use.

I had informed Lora Meendering on December 6 that under the permitted uses in the AC zone, they could proceed with remodeling upstairs without waiting for this Special Exception to be approved. In the event

the ordinance on 2<sup>nd</sup> floor apartment is not approved, or if the special exception wasn't granted or was delayed, they could still proceed in a different fashion. Here is the ordinance section upon which my reasoning is based:

## 2.2. USE CLASSIFICATIONS.

- ee. *Visitor Habitation*: Establishments primarily engaged in the provision of lodging services with incidental food, drink and other sales and services intended for the convenience of guests. The following are visitor habitation use types:
  - 2) *Hotel-Motel*: A building containing guest rooms primarily intended for temporary occupancy to transient guests for compensation and provides parking for the guests. Other such accessory uses associated with a hotel-motel may include a swimming pool, restaurant, meeting/conference rooms, management office and quarters for the use of operating personnel.
  - 3) *Bed & Breakfast Inn*: A private, owner-occupied housing unit, or portion thereof where short term lodging and meals are provided for up to five (5) guests for rent to the general public. The only meal to be provided to guests is breakfast, and it shall only be served to those taking lodging in the facility. Individual units designed as rentals shall contain no cooking facilities.

APPEAL TO THE  
BOARD OF ADJUSTMENT

Zoning File No. \_\_\_\_\_  
Appeal No. \_\_\_\_\_

Date \_\_\_\_\_

I (We), TopNotch Rentals LLC of 512 9th St, Sheldon, IA 51281  
Name Mailing Address

respectfully request that a determination be made by the Board of Adjustment on the following appeal, which was denied by the Enforcing Officer on \_\_\_\_\_, 19 \_\_\_\_ for the reason that it was a matter which, in his opinion, should properly come before the Board of Adjustment.

An interpretation X, exception \_\_, variance \_\_ is requested to

Section \_\_\_\_ of the Zoning Ordinance for the reason that:

\_\_\_ It is an appeal for an interpretation of the ordinance or map.

X It is an exception to the ordinance on which the Board of Adjustment is required to pass.

\_\_\_ It is a request for a variance relating to the \_\_ use, \_\_ area, \_\_ frontage, \_\_ yard, (or) \_\_ provisions of the Ordinance.

Remarks: We will comply with the <sup>adopted</sup> ~~exception~~ ordinance by providing a side/rear entrance & exit, over 800 sq foot living space (1100 sq ft actual), keeping 2200 sq ft. commercial space, and providing off street parking. We have 4 parking spots in

The premises affected are located at 512 9th St. in back & 2 up front off the street.

Zone District \_\_\_\_ . Legal description of property

involved in this appeal: \_\_\_\_\_

Has any previous application or appeal been filed in connection with these premises? \_\_\_\_\_

What is the applicant's interest in the premises affected? \_\_\_\_\_

What is the approximate cost of the work involved? \$25K

Explanation of purpose to which property will be put: Converted from an office rental space with 2 office, conference room and reception area to a 2 bedroom apartment with open space kitchen/living & dining room.

Plot Plan attached

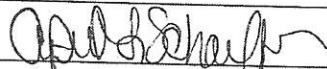
Ground Plan and elevations attached? \_\_\_\_ yes \_\_\_\_ no. If no, explain: \_\_\_\_\_

Following, is an abstractor's plat and list of property owners within 200 feet of the exterior limits of the property involved in this appeal, together with addresses of same:

<u>Name</u>	<u>Address</u>
_____	_____
_____	_____
_____	_____
_____	_____

I (we) further state that if this request is granted, I (we) will proceed with the actual construction in accordance with the plans herewith submitted within six months from date of filing this appeal; will complete the work within \_\_\_\_ year(s) from said date; and that I am able from a financial, legal, and physical basis to do so.

Date: 12-27 Dec 23, 2019

  
Signature(s) of Applicant(s)

\*\*\*\*\*

For Use of Board of Adjustment Only

Date hearing advertised \_\_\_\_\_ Date of hearing \_\_\_\_\_

Fee paid - Receipt No. \_\_\_\_\_

Decision of the Board of Adjustment \_\_\_\_\_

Reasons:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

Other Remarks:

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

BOARD OF ADJUSTMENT

By: \_\_\_\_\_  
Secretary



No.

3203.

### ABSTRACT OF TITLE

To the following described Real Estate situated  
in the County of O'Brien and  
State of Iowa, to-wit:

The East-Half ( $E\frac{1}{2}$ ) of Lots One (1) and Two (2), and  
the East-Half ( $E\frac{1}{2}$ ) of vacated alley lying between  
Lots Two (2) and Three (3), all in Block Twenty-Three  
(23), in the City of Sheldon.

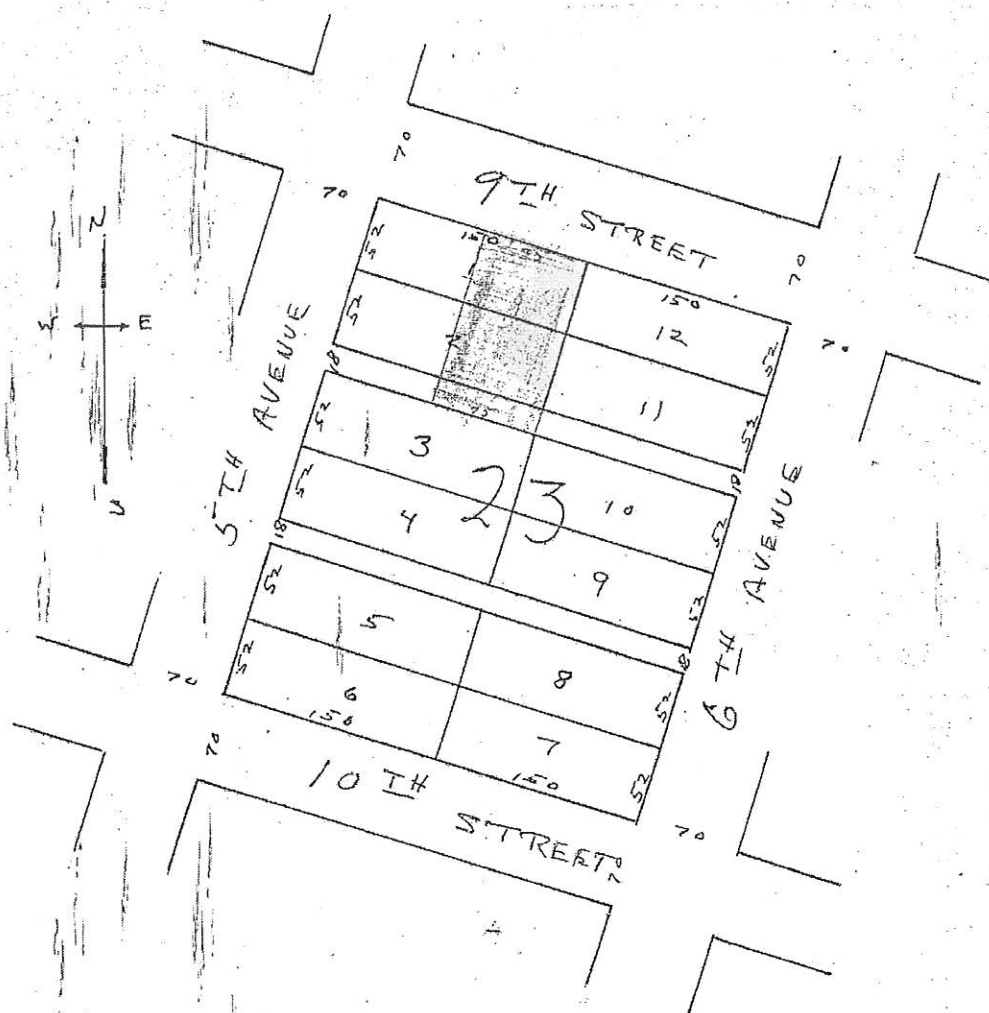
Said Block Twenty-Three (23) contains  
twelve (12) lots numbered from one (1)  
to twelve (12) inclusive.  
Said Lots One (1) and Two (2) are each  
fifty-two (52) feet wide North and South  
by One Hundred Fifty (150) feet long East  
and west.  
Said alley in this Block is eighteen (18)  
feet wide North and South.

Since Plat.

COMPILED BY  
**HENRY RERICK & SON, INC.**  
ABSTRACTERS  
PRIMGHAR, O'BRIEN COUNTY, IOWA



PLAT  
OF  
BLOCK IN THE CITY OF SHELTON, IN O'BRIEN COUNTY AND STATE OF IOWA, AS  
SHOWN BY THE PLAT RECORDED WITH THE DEDICATION DEED ON FEBRUARY 10, 1873  
AND RECORDED IN LAND DEED RECORD F ON PAGE 384.



# CERTIFICATE

It is certified by the seals endorsed hereon that this certificate is signed by a member of the IOWA LAND TITLE ASSOCIATION and the AMERICAN LAND TITLE ASSOCIATION.

State of Iowa } ss.  
County of O'Brien }

The undersigned hereby certifies that the foregoing abstract consisting of entries numbered from 77 to 80 inclusive, is a correct abstract of title of everything in the public records of the said County affecting the title to:

The East Half of Lots 1 and 2 and the East Half of the Vacated Alley lying between Lots 2 and 3, all in Block 23, in the City of Sheldon, in O'Brien County and State of Iowa.

From May 16, 2016 at 5:00 PM

To November 7, 2016 at 5:00PM

ACKNOWLEDGEMENTS: In approved form unless otherwise shown.

## PERSONAL LIEN SEARCHES:

E & J Properties, LLC

Top Notch Rentals, LLC

## MECHANICS' NOTICE AND LIEN REGISTRY

We have made a search, as of the date of this Certificate, of the Mechanics' Notice and Lien Registry maintained by the Iowa Secretary of State for O'Brien County, Iowa, for Commencement of Work Notices, PreLien Notices, and Mechanic Lien(s) only, Indexed against property described herein and find: None

No examination is made and no opinion has been formed as to the legal effect of any instrument or proceeding inspected. We assume no liability for the errors or omissions on the part of the Mechanics' Notice and Lien Registry.

Except as otherwise limited, this Abstract includes report of examination, for the period above stated, of all Plats, Conveyances, Deeds, Mortgages, Deeds of Trust, "Claimant's Book" index and claims, Uniform Commercial Code filings affecting fixtures, timber or minerals and properly indexed, Notices of unsatisfied Liens for taxes in favor of the United States of America or the State of Iowa, Probate Proceedings, Partition Suits, Actions to Quiet Title, Foreclosure Actions, Mechanic's and Materialmen's Liens, Appearance Bonds, unsatisfied Judgments, Transcript Judgments, Decrees, Attachments, Lis Pendens actions and suits in the District Court of the State of Iowa, in and for O'Brien County, of record in the office of the Clerk of said court or the Recorder of O'Brien County and affecting the property above described; and liens for general taxes, unpaid special assessments, notice of preliminary assessments and special assessment deficiencies as shown in the tax records in the County Treasurer's Office.

For zoning classification, Urban Renewal designation or other Ordinances pertaining thereto, of the property, consult the applicable Government Agency.

No report is made of Judgments not entered in Judgment Docket and Lien Index of Clerk of Court of the County in which the Real Estate is located; of Judgments in the divorce actions entered and fully matured more than ten years prior to the closing date of the continuation; Judgments rendered in actions for Foreclosure of Real Estate mortgages or Deeds of Trust of date two or more years prior to the closing date of this continuation; of Judgments rendered or Appearance Bonds given ten years or more prior to the closing date of this continuation; as to Deficiency Judgments more than two years old; nor as to Mechanic's Liens more than two years and ninety days old.

Dated at Primghar, Iowa this November 7, 2016 at 5:00PM

Rerick Abstract

By:

*Aimee J. Janssen*  
Iowa Guaranty Division Member No. TGD # 8179

IA16125922



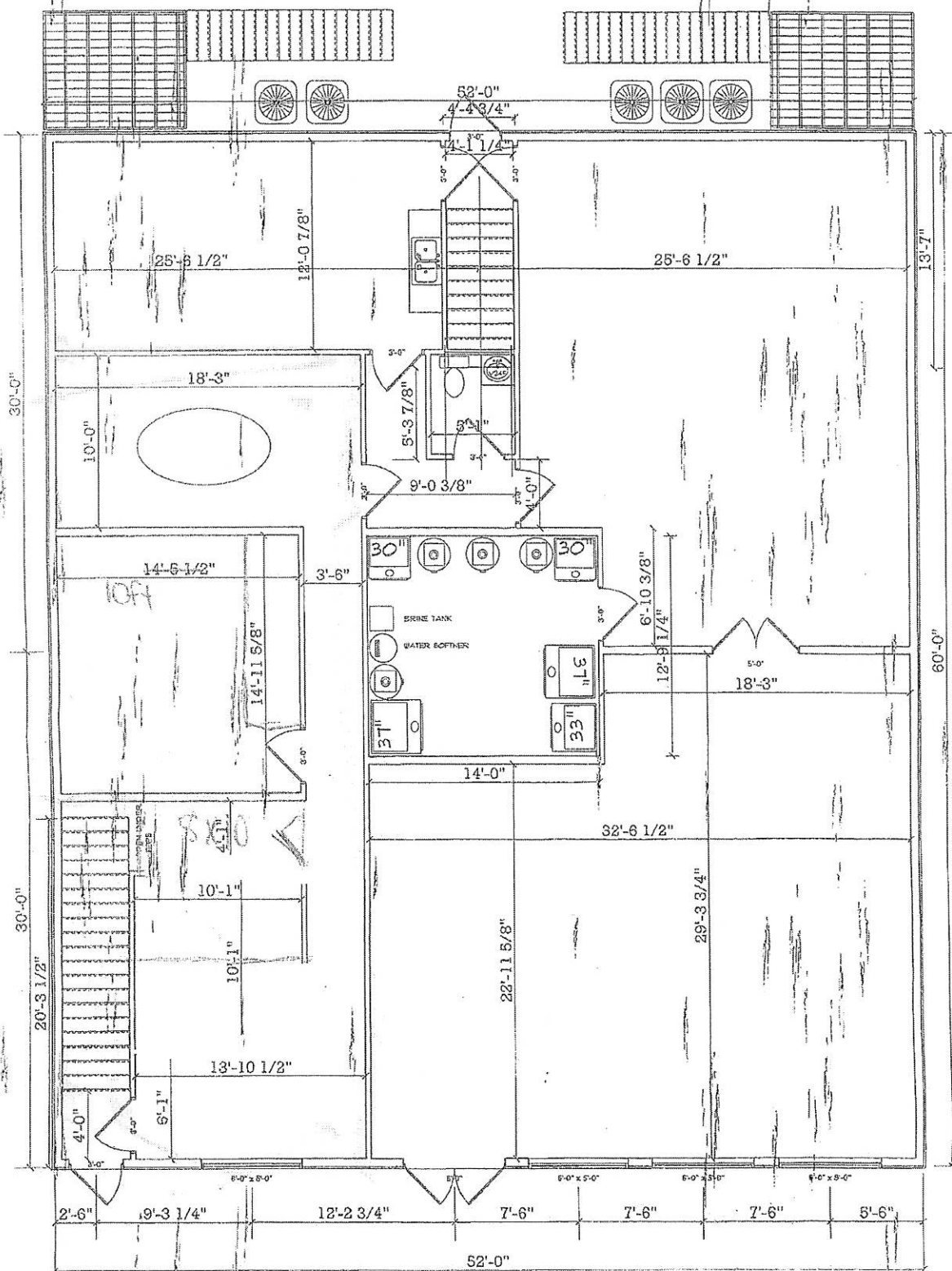
MEMBER  
AMERICAN  
LAND TITLE  
ASSOCIATION



Klay Law Office

T.O. # F6387-0C

DATE 2-3-17



ORDINANCE NO. 019- 3249

AN ORDINANCE AMENDING THE SHELTON, IOWA ZONING ORDINANCE BY AMENDING SECTION 12.3 PERTAINING TO RESIDENTIAL USES IN BUSINESS COMMERCIAL DISTRICT.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF SHELTON, IOWA:

**SECTION 1. REVISED SUBSECTION.** Section 12.3 of Article 12 of the Sheldon, Iowa Zoning Ordinance is revised to add the following to the Special Exception uses as underlined below:

**12.3. SPECIAL EXCEPTION USES.**

The following uses and structures may be permitted in the (BC) Business Commercial District, subject to provisions of Articles XXV and XXVI of this ordinance and with specific conditions and requirements subject to approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses. The only residential use permitted by the Board of Adjustment pursuant to this Section 12.3 shall be ground-floor dwelling units that, at a minimum, meet the following conditions: Each such dwelling unit (1) shall be accessed from the rear and/or side (and not the front) of the principal structure; (2) shall have at least two off-street parking spaces; (3) shall consist of a minimum of 800 square feet of floor space; and (4) shall be located within a principal structure that is also used for a permitted commercial, civic, or industrial use, with at least two-thirds of the ground floor of the principal structure being used for such a permitted commercial, civic, or industrial use.

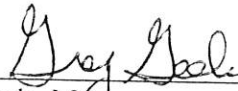
<u>Residential Uses</u>
Dwelling Units – ground floors of structures also used for permitted commercial, civic, or industrial uses.

**SECTION 2. REPEALER.** All ordinance or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.


**SECTION 3. SEVERABILITY CLAUSE.** If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**SECTION 4. WHEN EFFECTIVE.** This ordinance shall be in effect after its final passage, approval, and publication as provided by law.

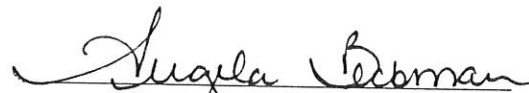
PASSED, APPROVED, AND ADOPTED, this 18 day of December,  
2019.

  
\_\_\_\_\_  
Greg Geels, Mayor

ATTEST:

  
\_\_\_\_\_  
Angela Beckman, City Clerk

I certify that the foregoing was published as Ordinance No. O19-3249 on the 25 day of  
December, 2019.

  
\_\_\_\_\_  
Angela Beckman, City Clerk  
Sheldon, Iowa

October 22, 2019

Dennis Klatt  
1101 10<sup>th</sup> St  
Sheldon, IA 51201

RE: Main Floor Living Ordinance

City Council & Board of Adjustment:

I am in support of the change of ordinance amendment for the main floor living space among commercial property. In reading through the stipulations, I feel it was designed to detour the majority from changing commercial space into living space and yet there a few circumstances where it provides a benefit. I understand that just because a variance is applied for, it does not mean that it will approved unless the circumstance meets all the stipulations. It only makes sense that with one exception leading as precedence that we would align our ordinance with our previous actions.

I am particularly in support of the variance for Top Notch Stitching as their building currently sits among primarily residential. The owners will enforce rules to avoid any unpleasant residual effects from potential tenants.

Thank you

  
Dennis Klatt

APPEAL TO THE  
BOARD OF ADJUSTMENT

Zoning File No. \_\_\_\_\_  
Appeal No. \_\_\_\_\_

Date 12.31.2019

I (We), N.O.Y.B of 1220 2nd Ave 1220 2nd Avenue  
Name Mailing Address

respectfully request that a determination be made by the Board of Adjustment on the following appeal, which was denied by the Enforcing Officer on 12.24, 2019 for the reason that it was a matter which, in his opinion, should properly come before the Board of Adjustment.

An interpretation /, exception   , variance    is requested to Section 11.3 of the Zoning Ordinance for the reason that:

   It is an appeal for an interpretation of the ordinance or map.

☒ It is an exception to the ordinance on which the Board of Adjustment is required to pass.

   It is a request for a variance relating to the    use,    area,    frontage,    yard, (or)    provisions of the Ordinance.

Remarks: Reason For Hearing: Residential use  
on 2nd Floor (2 units).

The premises affected are located at 1220 2nd Ave in  
Zone District (AC) ARTERIAL Commercial. Legal description of property involved in this appeal: See Attachment

Has any previous application or appeal been filed in connection with these premises? Y (

What is the applicant's interest in the premises affected? owners

What is the approximate cost of the work involved? \$50,000

Explanation of purpose to which property will be put:   

Two Apartments above - on 2nd Floor.  
1,200 sq ft each. Each will have two dedicated  
parking spaces. No Boats or Campers.  
Plot Plan attached



Ground Plan and elevations attached? \_\_\_\_ yes \_\_\_\_ no. If no,  
explain: \_\_\_\_\_

Following, is an abstractor's plat and list of property owners within  
200 feet of the exterior limits of the property involved in this  
appeal, together with addresses of same:

<u>Name</u>	<u>Address</u>
_____	_____
_____	_____
_____	_____
_____	_____

I (we) further state that if this request is granted, I (we) will  
proceed with the actual construction in accordance with the plans  
herewith submitted within six months from date of filing this appeal;  
will complete the work within 1 year(s) from said date; and that  
I am able from a financial, legal, and physical basis to do so.

Date: 12/31/19, 19\_\_\_\_

Ja Vadell Jr. Jostmending  
Signature(s) of Applicant(s)

\*\*\*\*\*  
For Use of Board of Adjustment Only

Date hearing advertised \_\_\_\_\_ Date of hearing \_\_\_\_\_

Fee paid - Receipt No. \_\_\_\_\_

Decision of the Board of Adjustment \_\_\_\_\_

Reasons:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

Other Remarks:

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

BOARD OF ADJUSTMENT

By: \_\_\_\_\_  
Secretary

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*Legal Description for 1220 2<sup>nd</sup> Avenue, Sheldon, Iowa*

*A part of Lots 1 through 11 and in a part of the North 16 feet of Lot 12, all in Block 53B in the Second Addition to the City of Sheldon, O'Brien County, Iowa, more particularly described as follows: Commencing at the Northeast Corner of Lot 1 of Block 53B in the Second Addition to the City of Sheldon; thence southwesterly along the southeasterly right of way line of the former I.C.C. spur No. 20, now abandoned, 27.36 feet along the arc of a 522.97 foot radius curve, concave southeasterly and having a chord bearing South 64°12'08" West, 27.35 feet to the Point of Beginning, said point being on a line which is 70.00 feet normally distant from and parallel with the East right of way line of Woodcock Avenue as platted in said Second Addition, said Woodcock Avenue being now known as Second Avenue; thence South 18°45'41" West, 785.86 feet along a line being 70.00 feet normally distant from and parallel with said East right of way line to a point on the South line of the North 16 feet of Lot 12 of said Block 53B; thence North 71°08'51" West, 59.22 feet along said South line to a point on the easterly right of way line of the Union Pacific Railroad; thence North 13°30'36" East, 605.03 feet along said existing easterly right of way line; thence northeasterly 217.72 feet along said southeasterly right of way line of former I.C.C. spur No. 20 and along the arc of a 522.97 foot radius curve, concave southeasterly and having a chord bearing North 50°46'37" East, 216.15 feet to the Point of Beginning, containing 64,493.44 square feet (1.48 acres).*

E

BUILT 2012

30

METAL LEAN  
[240]

8

PATIO 16' x 26'

78

4

60

38'6"

1S TILE  
[5073]

34'6"

S

drive thru  
roof  
~~4x6~~  
4x6

14 14  
OFFICE

138

6' x 10'

Entrance

2ND AVE.

W

3



5

2

3

ORDINANCE NO. 019- 3250

AN ORDINANCE AMENDING THE SHELDON, IOWA ZONING ORDINANCE BY AMENDING SECTION 11.3 PERTAINING TO RESIDENTIAL USES IN THE ARTERIAL COMMERCIAL DISTRICT.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF SHELDON, IOWA:

**SECTION 1. REVISED SUBSECTION.** Section 11.3 of Article 11 of the Sheldon, Iowa Zoning Ordinance is revised to add the following to the Special Exception uses as underlined below:

**11.3. SPECIAL EXCEPTION USES.**

The following uses and structures may be permitted in the (AC) Arterial Commercial District, subject to provisions of Articles XXV and XXVI of this ordinance and with specific conditions and requirements subject to approval of the Board of Adjustment intended to make them compatible with and acceptable to adjacent uses. All first-floor dwelling units or basement dwelling units are prohibited. The only residential use permitted by the Board of Adjustment pursuant to this Section 11.3 shall be second-floor dwelling units that, at a minimum, meet the following conditions: Each such dwelling unit (1) shall be accessed from the rear and/or side (and not the front) of the principal structure; (2) shall have at least two off-street parking spaces, not to include public parking areas; (3) shall consist of a minimum of 800 square feet of floor space; and (4) shall be located within a principal structure that is also used for a permitted commercial, civic, or industrial use, with at least two-thirds of the ground floor of the principal structure being used for non-storage uses, including a permitted commercial, civic, or industrial use.

<b><u>Residential Uses</u></b>
<u>Dwelling Units – upper floors</u> <u>with rear or side access.</u>

**SECTION 2. REPEALER.** All ordinance or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 3. SEVERABILITY CLAUSE.** If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**SECTION 4. WHEN EFFECTIVE.** This ordinance shall be in effect after its final passage, approval, and publication as provided by law.

PASSED, APPROVED, AND ADOPTED, this 18 day of December,  
2018.

Greg Geels  
Greg Geels, Mayor

ATTEST:

Angela Beckman  
Angela Beckman, City Clerk

I certify that the foregoing was published as Ordinance No. O19-~~325~~ on the 25 day of  
December, 2019.

Angela Beckman  
Angela Beckman, City Clerk  
Sheldon, Iowa

**From:** JT Trucking, Inc <jttruckinginc@gmail.com>  
**Sent:** Friday, December 13, 2019 9:04 AM  
**To:** Sam Kooiker <sam@cityofsheldon.com>  
**Subject:** Request for Variances and Special Exception for 1220 2nd Ave

Good morning Sam

On behalf of JT Trucking, Inc & JAJD Properties LLC, Dad, Jared and myself are in favor of the variance and special exceptions and welcome the new business to our neighborhood. In knowing both of these ladies, they will improve the property and add a niche business that will draw people to our community and enhance the economic impact.

Thank you

--  
April L Schaeffer  
JT Trucking, Inc.