

# SHELDON BOARD OF ADJUSTMENT

Thursday, February 27, 2020

4:00 p.m.

City Council Chambers

## Agenda

1. Call to Order, Roll Call.
2. Approve minutes of February 13, 2020.
3. Consider request by Rise Ministries, Inc, and Rosenboom, Inc, for a height variance request in the Ag zoning district in Parcel # 0049830002, which is the northern parcel of the RiseFest grounds.
4. Other Comments.
5. Adjourn.

**City of Sheldon**

**Sheldon Board of Adjustment Report for February 27, 2020.**

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

**3. Consider request by Rise Ministries, Inc, and Rosenboom, Inc, for a height variance request in the Ag zoning district in Parcel # 0049830002, which is the northern parcel of the RiseFest grounds.**

Attachments: Zoning permit, variance request, notices and FAA letter.

Background: This is a request by Rise Ministries, Inc, and Rosenboom Machine & Tool, Inc, for a height variance request in the Ag zoning district in Parcel # 0049830002, which is the north part of the RiseFest grounds. The proposed permanent stage will be 41' in height, and is the same height as the temporary structure used in previous RiseFest events. The height limit in Ag zoning is 35', and structures for the purpose of religious assembly are allowed. A variance for 6' is being requested.

The zoning permit and variance request were submitted on February 4. On February 14, the Federal Aviation Administration issued a "Determination of No Hazard to Air Navigation". The FAA's letter is included in the packet for the February 27 meeting.

Sheldon, Iowa

Board of Adjustment

February 13, 2020

The Sheldon Board of Adjustment met on Thursday, February 13, 2020 at 4:00 p.m. City Manager Sam Kooiker called the meeting to order. Roll call was taken. Present: Lee Reuvers, Terry Braaksma, Dean Van Marel, Kathy Kruger, Doug Rodger and Deanna Wood. Absent: Darrell Burns. Also present: Todd Uhl, Sam Kooiker, Curt Strouth, and Angela Beckman.

A motion was made by Braaksma and seconded by Rodger to approve the minutes of December 19, 2019. Roll call was taken. Ayes, all.

The Board needs to appoint a chairperson. Braaksma nominated Rodger to be chairman of the Board, however Rodger stated that he may not be able to attend many meeting this year due to his schedule, so he declined. A motion was made by Reuvers and seconded by Van Marel to appoint Braaksma to be chair of the Board of Adjustment. Braaksma accepted. Roll call was taken. Ayes, all. Motion carried.

The Board needs to consider a special exception at 510-512 9<sup>th</sup> Street to allow 1<sup>st</sup> floor housing. April Schaeffer stated that they meet all the requirements in the Ordinance that was passed recently regarding 1<sup>st</sup> floor apartments in business commercial. There were no oral comments. A letter was received from Jeri Clayton, owner of Top Notch asking the Board to approve the special exception. Reuvers asked how much off street parking they had at this location. Schaeffer stated that there are 4 spots in the rear of the building. A motion was made by Kruger and seconded by Van Marel to allow the special exception at 510-512 9<sup>th</sup> Street for 1<sup>st</sup> floor housing. Roll call was taken. Ayes: Rodger, Kruger, Wood, Van Marel, Braaksma. Nay: Reuvers. Motion carried.

The Board also needs to consider a special exception at 1220 S 2<sup>nd</sup> Avenue to allow for 2<sup>nd</sup> floor housing in Arterial Commercial (AC) zoning. NOYB, LLC stated they will have 2 apartments on the 2<sup>nd</sup> floor and parking in the rear. No oral or written comments were received. Reuvers expressed concern on the addressing of the apartments and making the addresses very visible for emergency services. Uhl stated he has spoken to the postmaster and discussed things in office and may possibly use 1220A and 1220B S 2<sup>nd</sup> Avenue. A motion was made by Rodgers and seconded by Reuvers to approve the special exception for 1220 S 2<sup>nd</sup> Avenue to allow for 2<sup>nd</sup> floor housing in Arterial Commercial. Roll call was taken. Ayes, all. Motion carried.

These minutes constitute the written decision of the Board of Adjustment.

Kooiker stated there will be another Board of Adjustment meeting on February 27, 2020 at 4:00 p.m.

A motion was made by Rodger and seconded by Van Marel to adjourn at 4:13 p.m. Roll call was taken. Ayes, all. Motion carried.

  
Angela Beckman, City Clerk



City of Sheldon  
Application for Zoning Permit

City Code, Chapter 23.3, Zoning Permits Required: "No building or other structure shall be erected, moved, remodeled or added to, without a zoning permit therefore issued by the Zoning Administrator. No permit shall be issued except in conformity with the provisions of this chapter, except by written order by the Board of Adjustment." Note: Incomplete applications will not be processed.

Rise ministries INC 3 Rosaboom machine & Tool 2.4.2020  
Applicant (property owner) Name Date  
517 Park St Sheldon IA 51201 712.324.9763  
Applicant's Address City State Zip Telephone

Location Information:

Parcel # 0049830002 (1,459,260 sq ft)  
Address of Proposed Work Square footage of Lot  
33.50 acres

- > Legal Description of Property - Note: New Construction Applications will not be processed without a description - attach separate sheet if necessary:

29-97-42 Parcel S of Parcel K of E 1/2 SE 1/4

Site Information:

Special Note: The City of Sheldon does not and will not locate property lines. This is the sole responsibility of the property owner. The City acts on information provided on this form. Falsification of information on this form can result in non-issuance, revocation and/or legal action. It is highly recommended that a licensed land surveyor be used to establish the location of property lines. The City of Sheldon, Iowa accepts no liability for said measurements or location of lines.

- > Set Backs: (Application will not be processed without measurements from proposed building to each property line).

X Interior Lot 945 Front Yard Setback 80 Right Side Setback From E  
1.00 Rear Yard Setback 1,050 Left Side Setback From W

- > Describe what you plan to build? A STAGE For Religious Assembly purposes

Check all that apply...

<input checked="" type="checkbox"/> Commercial	<input type="checkbox"/> One Family	<input type="checkbox"/> Garage	<input type="checkbox"/> Basement
<input checked="" type="checkbox"/> New	<input type="checkbox"/> Industrial	<input type="checkbox"/> Two Family	<input type="checkbox"/> Unattached
<input type="checkbox"/> Addition	<input type="checkbox"/> Demolish	<input type="checkbox"/> Residential	<input type="checkbox"/> Multi-Family
<input type="checkbox"/> Attached	<input type="checkbox"/> Alteration		

Construction Information:

Estimated Start Date: 5/1/20 (maybe march when ground thaws) Estimated Completion Date: 6/15/20

Estimated Square Footage or Floor Space: 4,000 Estimated Cost: \$50,000

☐ Wood Frame ☐ Brick Frame ☒ Steel Frame ☐ Concrete Block  
☒ Poured Concrete ☐ Wood Siding ☒ Steel Siding ☐ Stone/Brick Veneer  
☐ Vinyl Siding

Height of Structure: 41' Depth of Foundation: 6' Contractor's Name: Sawyer Construction

Permit expires twelve months after issuance if construction has not begun. If twelve month time period has elapsed, an extension may be granted at the discretion of the Zoning Administrator or a new permit application must be filed.

Zoning Information:

Present Zoning District: AGRICULTURAL

Intended Principal Use: AGRICULTURAL  $\frac{1}{3}$  Religious Assembly

Intended Accessory Use: \_\_\_\_\_

Site Plan Information:

Please identify proposed building, etc. Show set back footage from each property line. Show location of any adjacent streets or alley. Use a separate sheet if necessary or attach drawings. The Zoning Administrator reserves the right to require any additional information, including blueprints.



**Additional Information:**

No permit shall be issued for any residential or commercial structure if there are no provisions in the proposed plan for construction of sidewalks as per city code. This stipulation does not apply if sidewalks are already in place. Failure to construct sidewalks will result in legal action.

It is the responsibility of the applicant to determine if any sub-division covenants or easements may affect this project.

Once application is completed, turn in at city offices. Absolutely no permit will be issued on the spot. The Zoning Administrator may require a conference before issuance.

Under no circumstances may construction begin before an approved permit is issued.

A Copy Of The Approved Zoning Permit Must Be Posted In Public View.

City offices are located in the Sheldon Community Services Center at 416 – 9<sup>th</sup> Street in Sheldon, Iowa.



Applicant's Signature (must be in ink)  
by Rob Roozeboom

2.4.20  
Date

.....For Office Use Only.....	
Permit Number Assigned _____	_____ Date
_____ Approved	_____ Denied
_____ Zoning Administrator	
If Denied, reason for denial: _____ _____	
Reservation: _____ _____	
Fees:	
_____ Permit Fee	_____ Water Connection
_____ Watering Meter	_____ Sanitary Assessment

inspiring youth. discovering hope.

# Directions

Not sure how to get to RiseFest? Enter your address below to get directions from your home.

Enter your starting address

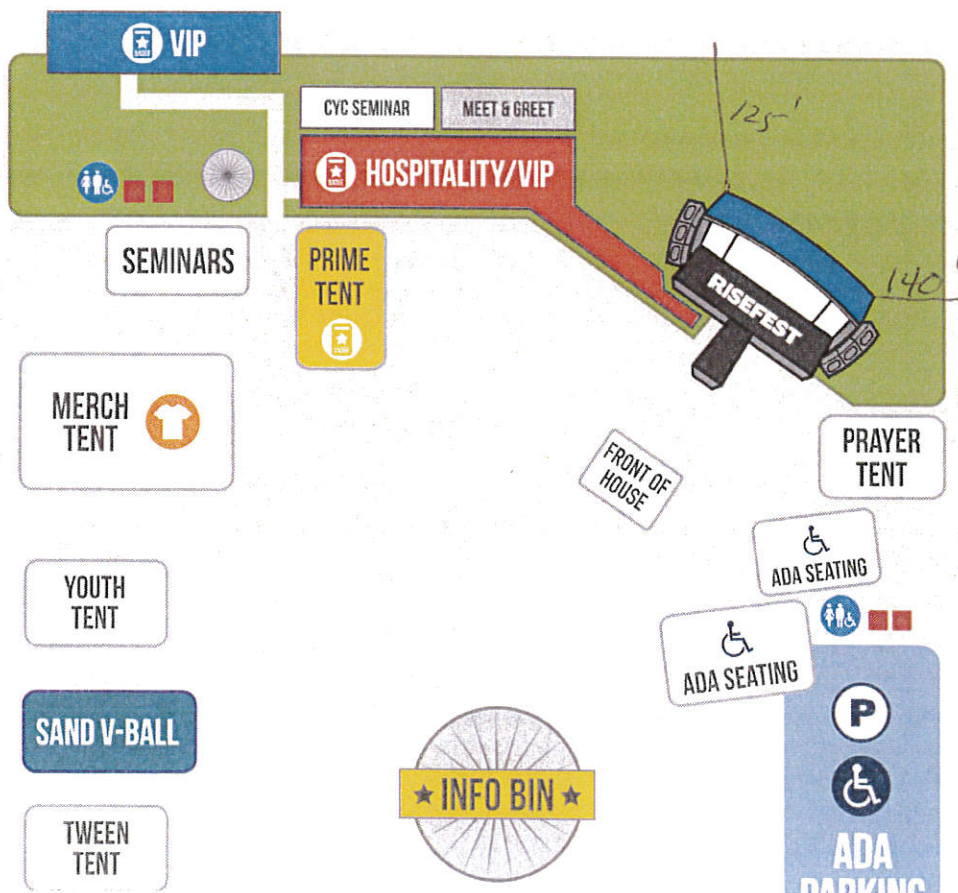
GET DIRECTIONS

**Festival Address:**

3149 Nest Ave

Sheldon, IA 51201

## Map of the festival grounds

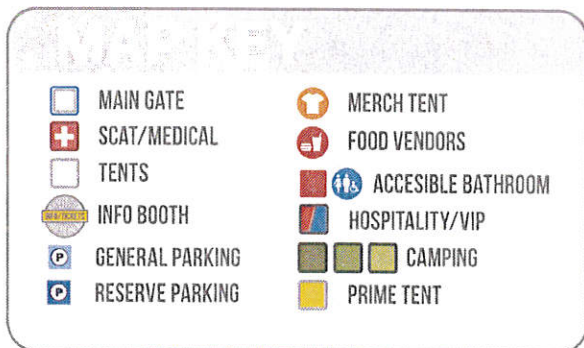
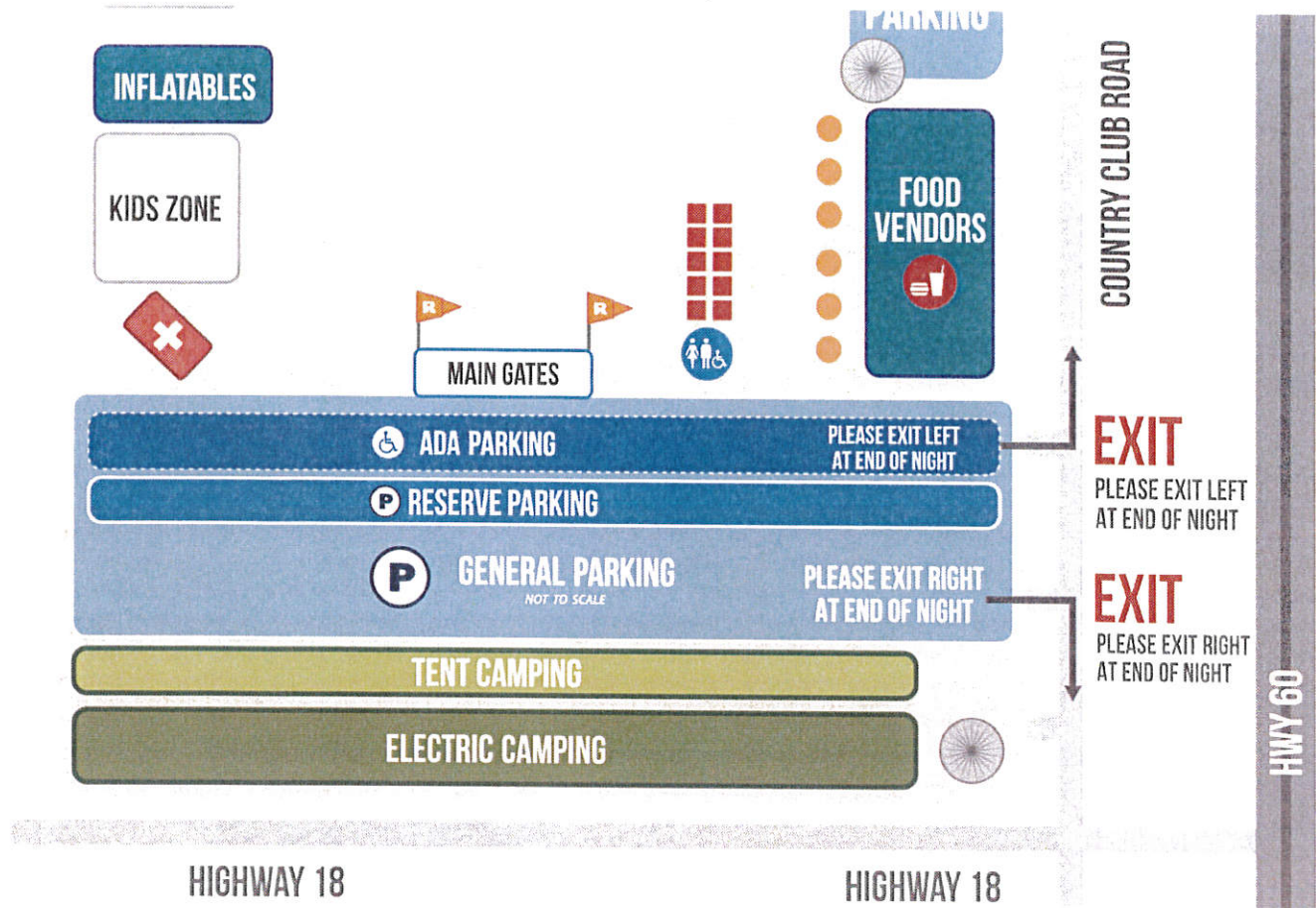


310<sup>TH</sup> ST  
.5 MILES NORTH

COUNTRY CLUB ROAD

HWY 60

HWY 60



### In case of emergency, storm shelters in town:

- 1) East Elementary  
501 Normal College Ave, Sheldon, IA 51201
- 2) Sheldon High School  
1700 E 4th St, Sheldon, IA 51201
- 3) Sheldon Middle School  
310 23rd Ave, Sheldon, IA 51201
- 4) Northwest Iowa Community College - Building A  
603 W Park St, Sheldon, IA 51201  
*Go in the west campus entrance. Building A is your first left.*

# RISEFEST 2020

June 19-20, 2020

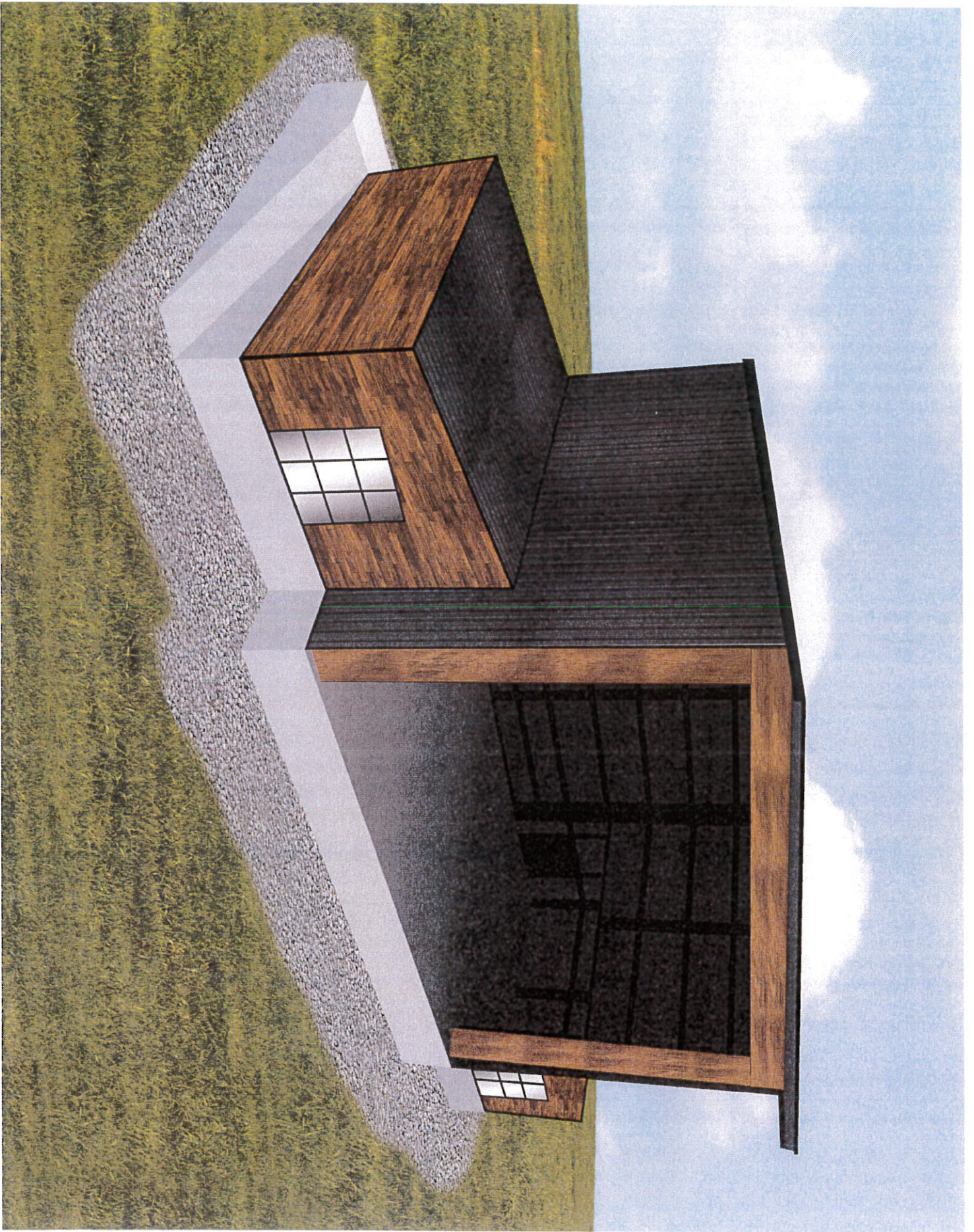
RiseFest is a great weekend to bring the family together and enjoy music, food, and other great activities. Make plans to attend today.

BUY TICKETS

ATTEND RISEFEST









APPEAL TO THE  
BOARD OF ADJUSTMENT

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

Date 2.4.2020

I (We), Rise Ministries & Rosenboom of 517 Park ST  
Name machine + Tool 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.

RECEIVED  
2.4.20  
sk

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

Section 4.2 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.

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

Remarks: maximum height in AG zoning is 35 Ft.  
Desired Height of Stage is 41

The premises affected are located at Parcel # 0049830002 in

Zone District AG. Legal description of property

involved in this appeal: 29-97-42 Parcel S of Parcel  
K of E 1/2 SE 1/4

Has any previous application or appeal been filed in connection with these premises? No

What is the applicant's interest in the premises affected? Leasee + Lessor

What is the approximate cost of the work involved? \$ 510,000

Explanation of purpose to which property will be put: A Stage  
For Religious Assembly purposes, which is  
permitted in AG Zoning

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: February 4, 20

[Signature]  
by Rob Roozeboom

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



City of Sheldon

416 9th Street  
PO Box 276  
Sheldon, IA 51201  
Phone: 712-324-4651 Fax: 712-324-4601  
Website: [www.sheldoniowa.com](http://www.sheldoniowa.com)

February 11, 2020

RE: Request for a Special Exception to Sheldon Board of Adjustment

Dear Property Owner,

As a property owner within 200' feet of the property in question located at the northern end of the RiseFest grounds (Parcel # 0049830002), Sheldon, Iowa, you are being notified of a public hearing before the Sheldon Board of Adjustment. The applicants, Rise Ministries, Inc and Rosenboom Machine & Tool, Inc, have a height variance request to accommodate a permanent stage at this location. The proposed permanent stage will be 41' in height and is the same height as the temporary structure used in previous RiseFest events. The height limit in Ag zoning is 35', and structures for the purpose of religious assembly are allowed. A variance for 6' is being requested.

There are conditions in the ordinance which must be met, and the Board of Adjustment has the authority to interpret and add stipulations prior to approval. Copies of the relevant ordinance and application are available upon request. This is an important meeting, as actions of the Board of Adjustment cannot be appealed to the City Council.

As an area property owner, you have the right to make comment, either in writing or in person regarding the Special Exception request. If you wish to comment in writing, please submit your comments to the City Offices by 3:30 pm, Thursday, February 27, 2020. If you desire to appear in person before the board, the hearing will take place at 4:00 pm, Thursday, February 27, 2020 in the City Council Chambers of the Sheldon Community Services Center.

If you are no longer the current property owner listed at this location, please contact this office for us to make the correction.

THIS IS FOR YOUR INFORMATION NO ACTION IS REQUIRED UNLESS YOU DESIRE TO DO SO. TAKE NOTICE AND GOVERN YOURSELF ACCORDINGLY.

Respectfully,

  
Sam Kooiker, Zoning Administrator





Mail Processing Center  
Federal Aviation Administration  
Southwest Regional Office  
Obstruction Evaluation Group  
10101 Hillwood Parkway  
Fort Worth, TX 76177

Aeronautical Study No.  
2020-ACE-911-OE

Issued Date: 02/14/2020

Todd Uhl  
CITY OF SHELDON  
416 9TH STREET  
BOX 276  
SHELDON, IA 51201

**\*\* DETERMINATION OF NO HAZARD TO AIR NAVIGATION \*\***

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	41 ft.Tall Concert Stage
Location:	Sheldon, IA
Latitude:	43-11-35.83N NAD 83
Longitude:	95-49-24.67W
Heights:	1406 feet site elevation (SE) 41 feet above ground level (AGL) 1447 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be e-filed any time the project is abandoned or:

☐ At least 10 days prior to start of construction (7460-2, Part 1)  
☒ Within 5 days after the construction reaches its greatest height (7460-2, Part 2)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 2.

This determination expires on 08/14/2021 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (816) 329-2527, or [marla.wierman@faa.gov](mailto:marla.wierman@faa.gov). On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2020-ACE-911-OE.

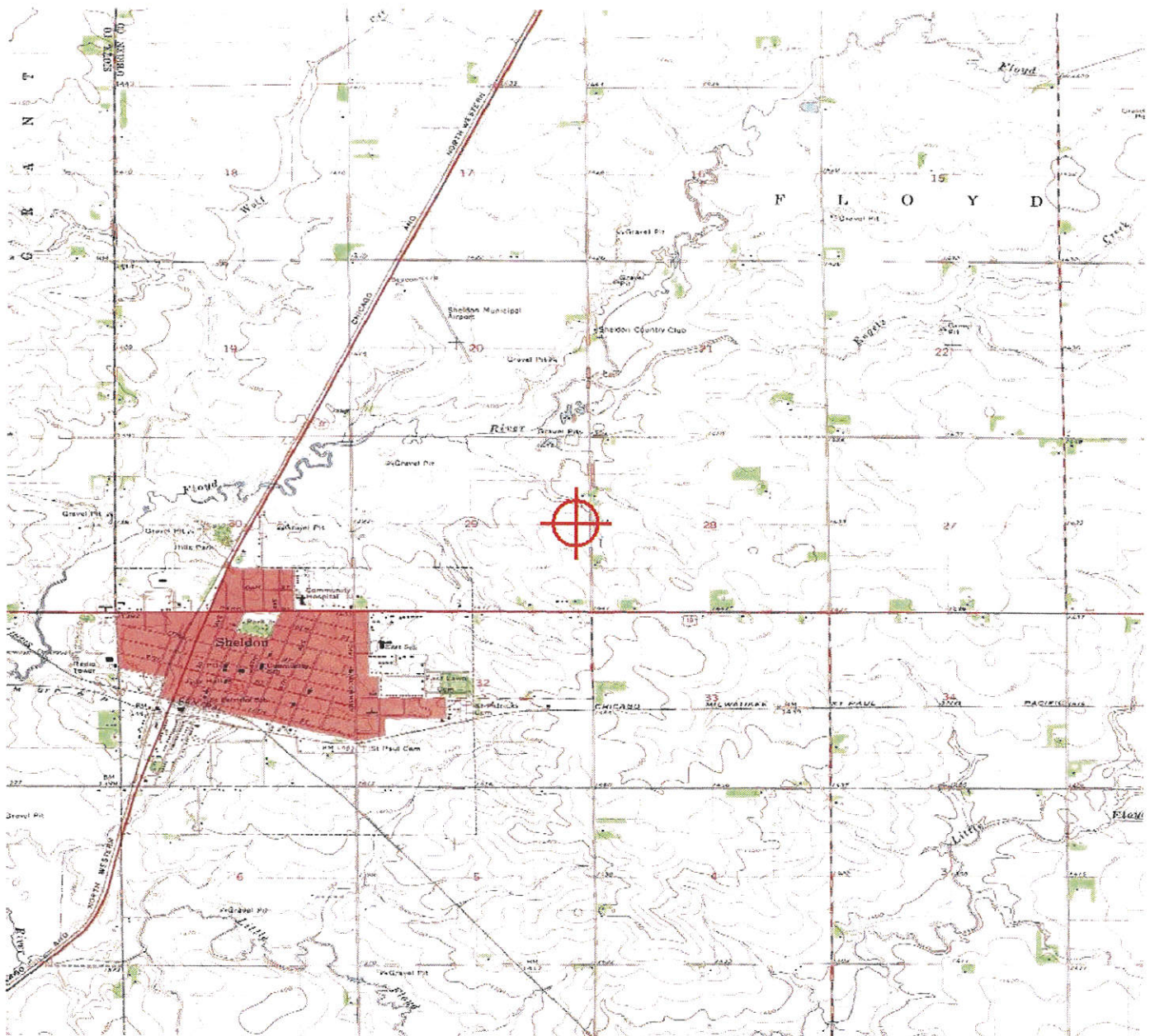
**Signature Control No: 430128896-430798010**

( DNE )

Marla Wierman  
Technician

Attachment(s)  
Map(s)

## TOPO Map for ASN 2020-ACE-911-OE





# **O'BRIEN COUNTY IMPLEMENT**

**RECEIVED**  
2.17.26  
SK

Since 1948  
111 Country Club Road  
Sheldon, Iowa 51237

Risefest is one of the biggest and best things to happen in Sheldon in the 21<sup>st</sup>. Century. It also fits very well with Sheldon's theme "Where families come first." The festival has been a great neighbor to O'Brien County Implement and it's been exciting to watch it grow not only in numbers as well as improvements made to the grounds.

One of Robs many dreams is to have 25,001 people attend the festival on or before 2024. This would beat the record of 1924 when approximately 25,000 people attended A Ku Klux Klan rally held on the west side of Sheldon.

Please consider wisely to increase the maximum height structure for Ag to 41' from 35' and the benefits from this will increase greatly. Sheldon being known as the home for Risefest has given us a very positive image from thousands of people who attend the festival.

Thanks for your time,



Jay Schemper, Partner at OBCI  
And a small part of the Risefest team