

## BOARD OF ADJUSTMENT MEETING MINUTES

Electronic Meeting

August 5, 2020 at 5:30 PM

Meeting called to order by Clark at 5:30 PM

**IN ATTENDANCE REMOTELY WERE:**

Present: Clark, Johnson, Collins, Lindberg

Others Remotely present: James Colvert, Building Inspector

Dustin Thelander, Applicant

Danny Christoffers, Secretary

On March 23, 2020, Mayor Winkel, as the presiding officer of the Council's meetings, and in light of the proclamation of emergency made by his office and the Governor's prohibition of community gatherings of more than 10 people, determined that all regular Board of Adjustment meetings going forward should be conducted by electronic means. The determination was due to the fact that an in person meeting was impossible or impractical due to the public health threat of the Novel Coronavirus 2019 ("COVID-19") as those who need to participate or may have interest to participate would result in a gathering of more than 10 people. For good cause, Board of Adjustment meetings in person were deferred until further notice and arrangements were made to complete the Board of Adjustment meeting electronically via teleconference call on August 5, 2020 at 5:30 p.m. An opportunity was provided to residents to call into the meeting or connect digitally through the Gotomeeting.com website. Directions for connecting to the electronic meeting were provided to the public through the Agenda which was posted pursuant to our usual procedures and further communicated by Facebook and the City website [www.cityofsergeantbluff.com](http://www.cityofsergeantbluff.com).

Additionally, it is noted that electronic meeting was authorized as a result of Gov. Reynolds State Public Emergency Declaration issue on March 20, 2020 which stated in Section Nine:

"Pursuant to Iowa Code § 29C.6(6), and at the request of the Iowa League of Cities on behalf of numerous local governmental bodies, I temporarily suspend the regulatory provisions of Iowa Code §§ 21.8, 26.12, and 414.12, or any other statute imposing a requirement to hold a public meeting or hearing, to the extent that the statutes could be interpreted to prevent a governmental body from holding the meeting by electronic means, provided that the governmental body properly notices the meeting or hearing and includes a telephone conference number or website address that permits the public to participate in the meeting or hearing. I also temporarily suspend those statutes to the extent they could be interpreted to prevent a governmental body from limiting the number of people present at an in-person location of the meeting, provided that the governmental body provides a means for the public to participate by telephone or electronically as provided in this section."

Approve Minutes of the Previous Meeting of May 28, 2020

A motion was made by Lindberg, seconded by Collins to approve the minutes of May 28, 2020 with corrections.

All ayes, motion carried.

### Public Hearing – Variance – 423 Brookshire

A Public Hearing was scheduled to consider a variance request by Dustin Thelander for a variance from Zoning Code 165A.31: “No structure or vegetation except for grasses shall be constructed or planted within the limits of any easement.” The applicant’s request is to place a fence/gate(s) in the easement. The property is located at 423 Brookshire and described as Prairie View Addn 4th Filing Lot 37-47.

A motion was made by Lindberg, seconded by Collins to open the public hearing at 5:37 pm.  
All ayes, motion carried.

Chairman Clark read the submitted application.

Dustin Thelander described the proposed location of the fence.

James Colvert said that when a customer applies for a permit he provides them a plat of their property and informs them that they cannot build in their easements. He explained that prior to his employment some property owners were allowed to build in the easement, when there is a rebuild or fence replacement he is requiring property owners to build outside of the easement.

Danny Christoffers said that there are three people in attendance digitally and he has messaged them to discover if they would like an opportunity to speak in the public hearing.

Richard Lindberg indicated that he is not aware of any opposition from the neighbors.

James Colvert explained that this is a five foot easement on both sides of the property line. This is a drainage easement so this would change the water flow.

Rod Haverdink, 425 Brookshire, stated that he is the neighboring property. He believes that this would shrink Dustin Thelanders backyard and affect his resale value. He doesn’t understand how putting the gates would affect drainage.

Brad Thelander (family member of applicant) stated that he understands the easement purpose. However, the neighbors fence is built up to the property line and that empty space wouldn’t do anything.

Garry Clark said that what has occurred in the past can’t be changed, but the codes are there for a reason.

Rod Haverdink said that he has no issue with Dustin Thelanders proposed fence. It will look more attractive for the neighborhood if those gates are allowed to be installed up to the property line.

A motion was made by Collins, seconded by Lindberg to close the public hearing at 5:59 pm.  
All ayes, motion carried.

Garry Clark said that he is in favor of maintaining our code enforcement.

Ed Collins agreed, the drainage area is there for a purpose.

Richard Lindberg agreed.

A motion was made by Collins, seconded by Lindberg to deny the variance request by Dustin Thelander for a variance from Zoning Code 165A.31: "No structure or vegetation except for grasses shall be constructed or planted within the limits of any easement." The applicant's request was to place a fence/gate(s) in the easement.

ROLL CALL VOTE: Collins- yes; Lindberg- yes; Clark- yes; Johnson- yes;

All ayes, motion carried.

A motion was made by Lindberg, seconded by Collins to adjourn at 6:02 pm.

All ayes, motion carried.

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Danny Christoffers, Secretary

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Garry Clark, Chairman