

BOARD OF ADJUSTMENT MEETING MINUTES

City Council Chambers

401 4th Street

June 16, 2021 at 5:30 PM

Meeting called to order by Clark at 5:30 PM

IN ATTENDANCE REMOTELY WERE:

Present: Clark, Johnson, Jacobson

Absent: Collins, Lindberg

Others Remotely present: James Colvert, Building Inspector

Dustin Thelander, Applicant

Danny Christoffers, Secretary

Approve Minutes of the Previous Meeting

A motion was made by Jacobson, seconded by Johnson to approve the minutes of August 5, 2020.

All ayes, motion carried.

Public Hearing – Variance – 102 Windsor Way

The public hearing is to consider a variance request for the property located at 102 Windsor Way. The request is for a variance from Zoning Code 165D.04, section 1.F (1): “The maximum height of a fence within a required front yard or street side yard setback shall be 42 inches not exceeding 50 percent closed construction, or 48 inches not exceeding 25 percent closed construction.”

The applicant’s request is to place a 6 foot fence outside the required side street setback.

A motion was made by Johnson, seconded by Jacobson to open the public hearing at 5:32 pm.

All ayes, motion carried.

Nathan Wallinga, 102 Windsor Way, read a prepared statement:

“The application of this ordinance diminishes use of the property as the requirement reduces the rear yard area as compared to the majority of the properties within the district, including properties with the same style fence I am requesting. I respectfully request to install a white vinyl fence that is 6 feet tall, while the remaining 2-3 feet away from the existing sidewalk. Doing so would still leave 41 feet between 1st Street and my requested fence. Approval of this variance request would increase usable space in the back yard for a young active family. I have taken the time to be a thoughtful and considerate neighbor and spoken to my surrounding neighbors about my property having a fence and received no negative feedback. A few of them already have fences outside the setback requirements. This variance request was submitted with the intention of insuring safety, maintaining privacy on our corner property, conserving the property value, conserving aesthetics of the neighborhood and encouraging the most practical and proper use of the land. Due to the community geography, line of sight for vehicles, stop signs, and approaching traffic are not impacted by the requested fence location. Line of sight, safety of

moving traffic will still be maintained. It's my understanding that variances of this nature already exist in Sergeant Bluff, some identified were granted with appropriate compliant filings. Others are not in compliance but have gone unaddressed. I have taken proper steps to inquire about this variance. It is my understanding that granting this variance will not violate any related or unrelated ordinances. As previously presented and submitted, many other homes within the City of Sergeant Bluff have homes with fences on the property line, some being corner lots. Therefore, I will not be the first nor am I asking to be approved for something that does not already exist throughout the City. Thank you."

Danny Christoffers stated that he received no comments from the public.

There were no objections from those in attendance.

James Colvert, Building Inspector, explained that prior to his employment there were decisions made regarding building permits that were not correct. He confirmed that there are fences built on corner lots that do have fences where they should not be, there are also fences built in drainage easements that should be. If a new fence is required in those places he is applying the ordinance as it's written. He described the current conditions of the lot, he is in favor of allowing this for the purpose of uniformity.

Meg Jacobson stated that she appreciated Nathan's time in to going through this variance process.

A motion was made by Johnson, seconded by Jacobson to close the public hearing at 5:39 pm.
All ayes, motion carried.

A motion was made by Johnson, seconded Jacobson to approve a variance from Zoning Code 165D.04, section 1.F (1): "The maximum height of a fence within a required front yard or street side yard setback shall be 42 inches not exceeding 50 percent closed construction, or 48 inches not exceeding 25 percent closed construction." and permit the placement of a 6 foot fence outside the required side street setback at 102 Windsor Way.

Roll Call Vote: Clark- yes; Johnson- yes; Jacobson- yes; Collins- absent; Lindberg- absent;
All ayes, motion carried.

Public Hearing – Variance – 104 Windsor Way

The public hearing is to consider a variance request for the property located at 104 Windsor Way. The request is for a variance from Zoning Code 165D.04, section 1.F (1): "The maximum height of a fence within a required front yard or street side yard setback shall be 42 inches not exceeding 50 percent closed construction, or 48 inches not exceeding 25 percent closed construction."

he applicant's request is to place a 6 foot fence outside the required side street setback.

A motion was made by Johnson, seconded by Jacobson to open the public hearing at 5:41pm
All ayes, motion carried.

Antonio Calamanco, 104 Windsor Way, he would like to receive a variance for a privacy fence south alongside Coniston Circle. There are other fences in the neighborhood of a similar nature. It will provide uniformity with the neighborhood and help his property value.

Amber Ladwig, 104 Windsor Way, stated that she had spoken to neighbors, no one had any issues with this request.

James Colvert stated that corner lots have two frontages and have two setbacks. Meeting these setbacks usually means they lose available property. James Colvert expressed concern that the fence may present a visual obstruction for the neighbor to see when the neighbor backs out of the driveway. He wasn't sure how much of an obstruction that may be, it may be none.

A map of the area was reviewed and discussion was had regarding the approximate location of the proposed fence, the current zoning language, the history of setback and fence zoning codes, and the location of fences for surrounding properties.

Kevin Van Den Top, 101 Windsor Way, said that they are supportive of the change. They don't perceive any safety issues.

A motion was made by Johnson, seconded by Jacobson to close public hearing at 6:02 pm.

All ayes, motion carried.

Meg Jacobson appreciated the Inspectors goal to find a cohesive solution. She also doesn't want to penalize the applicant for prior issues. She drove by the property and doesn't believe this would be a problem.

Garry Clark said that it seems as though the fence would fit in with the rest of the neighborhood.

A motion was made by Jacobson, seconded Johnson to approve a variance from Zoning Code 165D.04, section 1.F (1): "The maximum height of a fence within a required front yard or street side yard setback shall be 42 inches not exceeding 50 percent closed construction, or 48 inches not exceeding 25 percent closed construction." and permit the placement of a 6 foot fence outside the required side street setback at 104 Windsor Way.

Roll Call Vote: Clark- yes; Johnson- yes; Jacobson- yes; Collins- absent; Lindberg- absent;

All ayes, motion carried.

A motion was made by Johnson, seconded by Jacobson to adjourn at 6:05 pm.

All ayes, motion carried.

Danny Christoffers, Secretary

Garry Clark, Chairman