

BOARD OF ADJUSTMENT MEETING MINUTES  
City Council Chambers  
401 4<sup>th</sup> Street  
September 28, 2022 at 5:30 PM

Meeting called to order by Clark at 5:30 PM

**IN ATTENDANCE WERE:**

Present: Clark, Lindberg, Johnson, Lamb (5:35pm)

Absent: None

Others present:

James Colvert, Building Inspector

Danny Christoffers, Secretary

Sarah Kleber, City Attorney

Approve Minutes of the Previous Meeting

The approval of the minutes of March 17, 2022 has been postponed until the next meeting.

Public Hearing

Garry Clark stated that the variance request for the parcel west of 1334 Warrior Road which is tentatively called 1328 Warrior Road (Parcel#884732327017, Pioneer Valley Lot 3 - EX W 145.22 FT). The request is for a variance from Zoning Code 165B.11.7 Height and Lot Requirements for the RS150: Single-Family Residential District. The maximum height allowable for a home is 30 feet. The applicant is requesting to build a home that is taller than 30 feet.

A motion was made by Johnson, seconded by Lindberg to open the public hearing at 5:33pm.

All ayes, motion carried.

Brian & Cara Drew appeared before the Board of Adjustment. They weren't aware that Sergeant Bluff code limits home height to 30 feet. Sioux City limits the height to 35 feet. They picked the house plan without knowing. The builder suggested that they build up because there may be some water issues if the basement is not built up. They have invested substantial money into the process so far, this would be a large set back. They are looking forward to being involved with the Community and start as soon as possible.

Pictures of what the home would look, a petition from neighbor residents supporting the height increase, and a letter of support from an adjacent property owner were submitted to the Board.

Nick Haugen, Haugen Construction, said that this is a standard construction of a two-story home of this style. He provided pictures and the requirements of surrounding areas. He described how the style of this home impacts the pitch/height of the home.

Anthony Lamb asked if there is a reasonable way to shave 4 feet of the top?

Nick said there is not, the style of the house prevents that.

Carl Johnson how far up does it have to go for the footings?

Nick said that they are going to raise it 3 feet out of the ground because they're having trouble getting sewer to it. The top of the foundation to the peak is 33 feet, when you drop grade it gets to approximately 34 feet from the ground.

Bob Wise, 1307 Serenity Lane, he is located directly behind their lot. He said that they're in favor of them building the house as designed.

James Colvert explained that the need for a variance was discovered when he had a meeting with the builder regarding the home.

Anthony asked if the City is taking a position for or against the variance?

James said that his position (not for the City) with the size of the lot that they have and their front yard set back being 200+ feet from Warrior Road and 70-80 feet from neighbors to the east and west, and 90 feet from the neighbors to the south, it will probably not be noticed that it is over 30 feet tall. The lot is a little over 2 acres.

Danny Christoffers said that the Public Hearing notice was published in Sergeant Bluff Advocate and mailed to the property owners within 200 feet. He received no public comments.

Christoffers – mailed, received no comments.

A motion was made by Johnson, seconded by Lindberg to close the public hearing at 5:43pm.

All ayes, motion carried.

#### Board Discussion on Variance

Garry Clark expressed that the lot size is adequate that 3 or 4 feet in height is not going to make a difference. The neighbors around them are ok with this. They provided signatures of owners around them. There are no objections to the request.

Anthony Lamb said that this would be different if we were looking at quarter-acre lot.

There was discussion regarding how the lot size impacts the reasonableness of the request for a taller home.

#### Board Decision

A motion was made by Lamb, seconded by Lindberg to approve a variance from Zoning Code 165B.11.7 Height and Lot Requirements for the RS150: Single-Family Residential District which limits the maximum height for a Single-family dwelling to 30 feet. After consideration of the presentation of the applicant and the builder, a variance is granted to the property owner of 1328 Warrior Road (Parcel#884732327017), described as Pioneer Valley Lot 3 - EX W 145.22 FT, to build a home up to 35 feet in height, due to the size of the lot, no objections presented by city staff, consent by neighbors, no objections submitted by the public, and the character of the

neighborhood and lot. All of the foregoing support a variance from the standard lot height restriction.

All ayes, motion carried.

A motion was made by Lamb, seconded by Lindberg to adjourn at 5:49 pm.

All ayes, motion carried.

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Danny Christoffers, Secretary

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Garry Clark, Chairman