BOARD OF ADJUSTMENT MEETING MINUTES
City Council Chambers
501 4th Street
August 7, 2024 at 5:30 PM

Meeting called to order by Clark at 5:30 PM

IN ATTENDANCE WERE:
Present: Clark, Johnson, Jensen
Absent: Lamb

Others present:
Aaron Johnson, Building Inspector
Sarah Kleber, City Attorney
Danny Christoffers, Secretary
Karlie Mobley, Applicant

Approval of the minutes of the June 13, 2024 and July 1, 2024 Meetings
A motion was made by Johnson, seconded by Jensen to approve the minutes of June 13, 2024 and July 1, 2024.
All votes were ayes, and the motion carried.

Public Hearing
The public hearing is being held to consider a variance request for 146 Golden Drive (Parcel# 884731253016, GOLDEN FLATS ADDITION LOT 25). The request is for a variance from Zoning Code 165D.04 (F) (3) which states: "On corner lots, a fence built in accordance with the required fifteen-foot setback of the street side yard (See Chapter 165B Zoned District Requirements) may have a maximum height of six feet unless other requirements are stated." The applicant is requesting to have a 6-foot fence built within the required 15-foot setback for a corner lot.

A motion was made by Jensen, seconded by Johnson to open the public hearing at 5:31 pm.
All votes were ayes, and the motion carried.

Karlie Mobley, 146 Golden Drive, explained that she would like to put in a privacy fence. Her property is on a corner lot. She presented photos to show the area where she would like to have the privacy fence which would be within the 15-foot setback.

Brent Jensen asked if it would match up with the fence to the north.
Karlie said that the property to the north has a chain-link fence, she plans to install a white vinyl fence. It would align with her property.

Garry asked about the approximate placement of her proposed fence.
Karlie described the location. She had Aaron Johnson and Chris with Premier Fence discuss the location. The 15 feet cuts quite a bit in at the corner. She is always looking at resale value. She doesn't have a lot of yard, but she'd hate to cut in 15 feet which would impact resale value. A future family might also appreciate having that extra room back there. Most properties in the area start their fences in the back.

Garry said that one of the concerns was that if you had the fence up to the corner that would create a visibility issue, but where she is proposing the fence be placed that is not a concern.

Brent discussed other properties in the area that are aligned on the property line. He believes that consistent fence lines look better.

Karlie explained that where her property is on Port Neal Road, the High School is directly across the street. This is her third year living in this community and she likes it.

Danny Christoffers confirmed that notices were sent to the property owners within approximately 200 feet, the notice was published in the paper and posted in the normal three locations. He did not receive any comments or concerns from the public.

Brent said that he did talk to one individual who expressed concern if she started the fence at the corner, but that is not her intention.

Aaron Johnson said that due to the location where she's proposing he does not have concern. The electrical box is of greater concern for visibility than the fence location.

A motion was made by Jensen seconded by Johnson to close the public hearing at 5:43 pm.
All votes were ayes, and the motion carried.

Board Discussion & Decision

Brent Jensen said he likes the alignment with other fences. He has driven that road many times and the electrical box is the only hinderance on that corner, where the property owner is proposing the fence, the placement will not be a hindrance to traffic.

A motion was made by Johnson, seconded by Jensen to approve the variance request for 146 Golden Drive (Parcel# 884731253016, GOLDEN FLATS ADDITION LOT 25) to have a 6-foot fence built starting and ending with the backyard and within the required 15-foot setback for a corner lot.

In granting this variance, the Board of Adjustment reviewed 165E.03 subsection 2 which provides the standards for granting a variance. The Board of Adjustment found that the variance is in harmony with the intent of the City's Zoning Code and applicable state law. The Board made the following findings of fact that the variance request has met the conditions:

1. The granting of the variance is not contrary to the public interest as there is no visibility issue in the proposed location and there will be no impact on the public or other neighbors with similar fence boundaries.
2. Without granting the variance, due to special conditions, a literal enforcement of the Zoning Code will result in unnecessary hardship in private use of the backyard area.
3. The plight of the owners is due to the unique circumstances of the lot and not the general conditions of the neighborhood.
4. The use to be authorized by the variance will not alter the essential character of the locality.
5. The variance is consistent with the spirit of the Zoning Code.
6. Substantial justice is done by granting the variance to allow the rear fence to be installed to meet up with surrounding property areas.

Votes for non-vacant seats with members present: Clark- yes, Johnson- yes, Jensen- yes, Lamb- not present.
All ayes, motion carried (3-0)

Adjournment
A motion was made by Johnson, seconded by Jensen to adjourn at 5:48 pm.
All votes were ayes.

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Danny Christoffers, Secretary Garry Clark, Chairman