BOARD OF ADJUSTMENT MEETING MINUTES
City Council Chambers
501 4th Street
August 13, 2025 at 5:30 PM

The meeting was called to order at 5:30 PM

IN ATTENDANCE WERE:
Present: Darren Tooley, Carl Johnson, Brent Jensen, Anthony Lamb
Absent: None

Others present:
Aaron Johnson, Building Inspector
Sarah Kleber, City Attorney
Danny Christoffers, Secretary
Applicant Scott Schubert (322 Willow Bend)
Applicant Eagle Armstrong (2010 Roundtable Road)

Election of Chair & Vice-Chair
A motion was made by Jensen, seconded by Lamb to elect Brent Jensen as Chairperson.
All ayes, motion carried.

A motion was made by Johnson, seconded by Jensen to elect Carl Johnson as Vice-Chairperson.
All ayes, motion carried.

Approval of the minutes of the September 17, 2024 meeting
A motion was made by Lamb, seconded by Johnson to approve the minutes of September 17, 2024 with a correction to list Anthony Lamb as present.
All ayes, motion carried.

Discussion with City Attorney regarding new Legislation
Sarah Kleber described some legislative changes that occurred this year that are applicable to the Board of Adjustment. Previously state law had different notification periods for various published public notices, this has now been changed so that all notices will be published no more than less than four and no more than 20 days before a public hearing. There is also a new law regarding open meeting and records requirements, after July 1, 2025 any person who is appointed or elected into a position will have to complete a training course that is put on by the Iowa Public Information Board. Many current elected/appointed officials are going through that course.

Sarah said that the code section that addresses the standards for granting variance had a change that allows greater flexibility on the part of the Board of Adjustment for certain types of variances. Those variances are referred as dimensional variances. That includes items like setbacks, lot size, height, signage, parking, and fences. Those can be granted if the strict application of the zoning rules creates practical difficulties for the landowner, the problem is unique to the property and not self-create, and the variance won't significantly change the character of the neighborhood. There was previously a

standard that focuses on undue hardship, this allows more flexibility. We will need to update our ordinance, but we would follow state law and it is now in effect.

Anthony Lamb asked if this would be the standard that we would apply tonight?
Sarah confirmed that it would be.

Public Hearing – 322 Willow Bend

Brent Jensen read the public hearing request. The variance request is for 322 Willow Bend (Parcel# 884732195011, KINGSTON MEADOWS SECOND LOT 5). The request is for a variance from Zoning Code 165D.04 (3) "Fences" 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 Lamb, seconded by Tooley to open the public hearing at 5:45 pm.
All ayes, motion carried.

Scott Schubert, 322 Willow Bend, explained that they would like to put a fence around it. They have an odd configuration, his backyard is the side yard of the home behind his. It's not back-to-back like a normal corner lot. For the safety and security of grandkids and pets he described the approximate location of the desired fence.

Anthony Lamb asked if he is going to put it up about ½ up on the north side?
Scott said that is correct. They would like to go about a foot from the sidewalk on the north side and come back and meet up with the neighbors. He talked to both neighbors and they are cool with it. There is no adverse effect on the traffic or public safety. The visibility has been checked, the sight triangle is okay. The fence is going to be designed and consistent with the character of the neighborhood. There are lots of fences made of similar fencing, and similar setbacks. He'd like to be able to take his garbage cans and put them behind those so they're more hidden, making it more pleasing for everyone. There have been comparable variances, or they haven't applied for them, his wife and himself drove around and found at least a dozen addresses that are very similar to what he is requesting. He is willing to provide those addresses. If he's not granted the variance, that would take a lot of his yard away and it would be quite a bit smaller. They just purchased this land, they're moving back to Sergeant Bluff, when buying a home you have to make decisions pretty quickly or you can't get the house. They then found out they had to do the variance. On the one side it's also very wet, so that is unusable for certain things with his backyard.

Brent Jensen asked for some more approximate locations of the proposed fence.
Scott described the locations on the map. He will tie into the neighbors fence to the south.
There was further discussion regarding where it will be tied in.

Brent asked Aaron Johnson if he was good with the line-of-sight?
Aaron Johnson said he went and measured the 40-foot sight triangle from the property line. It is outside of that. That was his only holdup, was making sure we're outside of that 40-foot mark and it is.
Anthony asked if the 15-foot setback off the sidewalk or off the street side?
Aaron said that it's off of the property line, so we'd be about 1 foot inside the sidewalk.

Sarah Kleber said that it would be approximately 16 feet from the edge of the sidewalk.

Danny Christoffers said that the public hearing notice was mailed to the property owners within approximately 200 feet, it was also published in the Sergeant Bluff Advocate and posted in the three normal locations (Fareway, City Hall, Post Office). He did not receive any comments from the public.

A motion was made by Lamb, seconded by Johnson to close the public hearing at 5:52 pm.
All ayes, motion carried.

A motion was made by Anthony Lamb, seconded by Darren Tooley to approve the variance request for 322 Willow Bend (Parcel# 884732195011, KINGSTON MEADOWS SECOND LOT 5) to have a 6-foot fence built 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. No objections were received.
2. Without granting the variance, an unnecessary hardship would exist because the land value would be diminished due to the lack of use.
3. There are practical difficulties that are unique to the property as a corner lot.
4. The circumstances were not self created.
5. It will not alter the essential character of the neighborhood. The fence would be consistent with the conditions of the neighborhood.

Votes for non-vacant seats with members present: Tooley- yes, Johnson- yes, Jensen- yes, Lamb- yes.
All ayes, motion carried (4-0)

Public Hearing – 2010 Roundtable Road
A motion was made by Lamb, seconded by Johnson to open the public hearing at 5:55 pm.
All ayes, motion carried.

Brent Jensen read the public hearing request. The variance request is for 2010 Roundtable (Parcel# 884729381014, CAMELOT ADDN LOT 6 BLK 8). The request is for a variance from Zoning Code 165D.04 Section F(6) "Fences" for a lot which requires: "*Fences shall be constructed of wood, chain-link, PVC/resin manufactured fence product, stone, or masonry materials only. Wood fences shall utilize standard building lumber only. Sheet-metal of any kind, livestock panels or gates, and reclaimed pallets or other reclaimed wood products are not acceptable materials for fences in any residential zone."* The applicant is requesting to install a fence of galvanized horse panels with uprights and top rails that are wooden.

Eagle Armstong, 2010 Roundtable Road, explained that his backyard is unique. They get a ton of traffic, a privacy fence does not provide value to them. The fence that is currently up is a chain-link fence and it is beat up. He was trying to find something besides a chain link fence because with the increased traffic – currently the reason he wants to move it out to the property line because of the trail, he has people

walking through his property. He didn't want to throw up a chain link fence because a 4-foot could be jumped over and can be junky looking.

Eagle provided some sample photos to the board of horse panel. He described some intended changes he would have from the pictures.

Anthony Lamb asked what his intended fence height would be?
Eagle said that it would be a 5 foot fence. Horse panel comes in at 5 foot. He described some other features of the fence that would be in place.

Anthony asked if he is attempting to avoid a "warehouse look" of a 6 foot chain link fence?
Eagle said that it is.

Aaron Johnson asked where this fence would go?
Eagle reviewed a photo and described the location.

There was discussion of various styles of fences, additional photos were reviewed. Various modifications to the proposed fence were discussed.

Anthony expressed a concern about saying the pictures look fine and then something is built that doesn't quite align with the pictures.
Eagle said that the pictures would be a rudimentary as it gets.

Anthony asked if we were putting up chain link, would this even be a variance?
Aaron said that the problem he ran into was that technically it's a horse panel, and technically our code says livestock panels but when he thinks of the big bar – the cattle panels.
Sarah Kleber said that you could have a combination of those items. If it was wood and chain link – if you had the wood panels in the front and if he was going to replace that with all chain link, she doesn't believe it would be a variance.
Aaron said that the combined materials is okay.
Anthony asked if it's made out of the same essential material that a chain link is made out of?
Eagle said that it will be heavier than the chain link you buy at Lowe's, this is 6 gauge and that is 8 or 10 gauge.

Brent Jensen asked if this could open pandoras box?
Eagle said that his backyard is a huge deal for the city, this fall they're bringing in dirt. He wants it right so that he can take care of it.
Brent asked if he's putting in a gate in the back?
Eagle said that you will not see it, it will be for access.

There was discussion about the curvature of the fence around the corner on the south side.

Danny Christoffers said that the public hearing notice was mailed to the property owners within approximately 200 feet, published in the Sergeant Bluff Advocate, and posted in the three locations

(Fareway, City Hall, Post Office). He received one public comment from Becky Goodier who lives at 1312 Clairmont Circle. She expressed that she had no objection to the fence or the materials.

A motion was made by Lamb, seconded by Jensen to close the public hearing at 6:11 pm.
All ayes, motion carried.

Anthony said that as it stands, he has no strong feelings on it.
Brent said that he doesn't have strong feelings either.
Anthony said that if someone wanted to come in a week from now and they want to put cattle panels up they would still have the ability to decline the variance.
Brent said that this would provide a little longer life in regards to it's appearance.
Darren Tooley asked if we are setting a precedent or is this a material that we truly are comfortable with because it is more residential in appearance.
Brent said that when you look at that section of the ordinance there is a whole plethora of fences (styles), there is everything inside that subdivision. Other subdivisions have established what is used for fencing. There are a lot of poor looking fences, this one would provide a longer maintenance life.
Anthony said that it's not worse than anything else in town. If someone has strong feelings about what should and should not be allowed they should probably do restrictive covenants.

A motion was made by Anthony Lamb, seconded by Darren Tooley to approve the variance request for 2010 Roundtable (Parcel# 884729381014, CAMELOT ADDN LOT 6 BLK 8 to install a fence of galvanized horse panels with uprights and top rails that are wooden with the condition that the Code Enforcement Officer verifies that the fence is built in a way consistent with what was represented to the Board of Adjustment.

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. No objections were received.
2. The use of the phrase "livestock panels" in the Zoning Ordinance is referring to something that is different than what is being proposed.
3. There are practical difficulties that are unique to the property.
4. It will not alter the essential character of the neighborhood. The fence would be detrimentally impact the neighborhood.
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: Tooley- yes, Johnson- yes, Jensen- yes, Lamb- yes.
All ayes, motion carried (4-0)

Adjournment

A motion was made by Tooley, seconded by Lamb to adjourn at 6:18 pm.
All ayes, motion carried.

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Danny Christoffers, Secretary Brent Jensen, Chairman