BOARD OF ADJUSTMENT MEETING MINUTES
City Council Chambers
501 4th Street
December 8, 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

Approval of the minutes of the August 13, 2025 meeting
A motion was made by Anthony Lamb seconded by Darren Tooley to approve the minutes of August 13, 2025 meeting.
All ayes, motion carried.

Amending the Agenda
A motion was made by Carl Johnson, seconded by Darren Tooley to amend the agenda to combine and consolidate the public hearings to address both Variance requests.
All ayes, motion carried.

Public Hearing – 507 E Street Front Yard Pool & 507 E Street Fence Screening
The first variance request is for 507 E Street (Parcel# 884730401014, BLAIRS ADDN LOT 3 BLK 5). The request is for a variance from Zoning Code 165A.22 "Accessory Buildings and Uses", Subsection 4-6, which states:

"4. No accessory building shall be constructed in the required front yard or in the required side yard along the principal building.

5. No accessory building shall be erected in or encroach upon the required front yard and meet the required building setback on the street side yard on a corner lot or the front yard of a double frontage lot.

6. Detached accessory buildings or structures shall not be placed or built in any easement and shall not be any closer than five feet from the principal building, other accessory buildings, or structures."

The applicant is requesting to retain their above ground pool in the front yard.

The second variance request is for 507 E Street (Parcel# 884730401014, BLAIRS ADDN LOT 3 BLK 5). The request is for a variance from Zoning Code 165D.01 "Fences", Subsection 1 (A, B, C) which states:

"1. No fence shall be constructed within the zoning jurisdiction of the City unless a fence permit application is approved, the permit has been issued by the building inspector, and the fence is constructed in conformance with the following requirements:

A. Unless otherwise provided by this Code of Ordinances, no fence shall be built on any lot or tract outside the surveyed lot lines, or adjacent to any municipal property, excluding public streets.

B. Unless otherwise provided by this Code of Ordinances, any fence built on residential property within the required front or street side yard setback shall contain openings constituting no less than 50 percent of the surface area of the fence.

C. No solid fence permitted or required by this Code of Ordinances shall be built within a visual sight triangle formed by the adjacent side lines of two intersecting streets and a line connecting points 40 feet on each leg from their point of intersection; or otherwise in any manner creating a traffic hazard or obstruction to visibility."

The applicant is requesting to retain the installed privacy screening on an existing chain link fence.

A motion was made by Anthony Lamb, seconded by Carl Johnson to open the consolidated public hearing at 5:34 pm.
All ayes, motion carried.

Jodee Adair, applicant, explained that she attended k-12 in Sergeant Bluff, she raised her kids here, and took care of her father for 20 years here. She is a resident of Sergeant Bluff. She lives at 507 E Street, she did pretty good on the fence line. She tried to get a permit, Danny [Christoffers] told her she had to wait. She tried and no money has been brought further for the fence line. She said that she has been waiting over a year for her variance meeting. She knows that the City Clerk has said that she hasn't been compliant regarding this matter, she asks that the Board of Adjustment look at the notes stating that she paid for her variance on September 13, 2024 and was waiting for the board to be selected because there weren't enough board members to consider her variance. She wasn't at fault and had made some updates on the zoning variance application. She inherited her house and would like to have it public that her father left her with no back yard. She likes to tan outside, it's her relaxation, she is a homebody. She discussed someone that someone she knows encouraged her to stop tanning, so she got a swimming pool. The previous City Inspector, James Colvert, came to her when she first go the house, she told him she didn't know where her property lines were, he showed her approximately where the lines were and said that she needed a permit for her fence. She paid a lot for a no-dig fence for a dog. She ended up having a granddaughter, she put a little blow up swimming pool out front and someone recommended that she put a fence up. She had 2 or 3 pools up before someone put in something against her saying that pools weren't allowed in the front yard. She did not know about City rules or regulations, she always rented and never owned her house. She doesn't see any problem with having a swimming pool, she was just trying to beat cancer. She asked how she can be grandfathered in, she inherited a house with no back yard. She described some improvements she has made to her garage. She also described a recent fire she had in her laundry room and the firefighters were awesome. It was hard to find metal siding, that didn't match, but she will shift them around from the front. She has a lot of plans for her home. She doesn't see why in this area that it matters where her pool is. She likes her privacy, that is why she did a privacy fence. With the train tracks and highway it's very loud over there. With the

brickyard there people just stare at you when you're out side. She wants to go back out to the country, she considers her area kind of like the country, they're the only street in Sergeant Bluff is still gravel. She has no where for the water to flow, she would love to have that get concreted with curbs. She received something from the City telling her she might have lead in her pipes. She talked to her insurance company and they said that they had no problem with her pool as long as she has a 4-foot fence around it. Consider updating her area, she's willing to work with the City. She doesn't have a lot of money but there are grants out there. It's hard with the railroad. She never knew they had as much land as they do. She's up to suggestions. She is going to have the City check her water, she sent via e-mail to someone, she wants to know her pipes are okay, she let her insurance company know. She is covered for everything except if the water backs up. She is hoping to change the variance on the swimming pool in front because she has no back yard. The side yard is kind of like the front. She loves her pool and she hopes we can figure something out.

A neighbor [unknown name] asked about the lot line. He wanted the lot line surveyed
Jodee said that the fence is back further now.
Aaron Johnson said that the City will not locate property pins, it is the responsibility of each individual property owner to locate them.
Brent Jensen said that it's approximately 300-350 bucks to do a survey.

Anthony Lamb asked for clarification on what Jodee is asking for.
Jodee said that someone made a complaint about the pool in the front yard, the fencing you saw is completely done. It's 4-foot and up to code. S
Brent said that he drove by today, the fence is 4-foot.

Aaron said that there are limited locations where the pool can go, it's currently in the location it has to go. The fence permit was approved in 2022 for a chain link fence. The variance for the fence would be for the screening that is currently on the fence.
Anthony asked what the screening was?
Jodee said it's a bamboo fencing that allows privacy.
Anthony asked if it's a chain link that has bamboo around it?
Aaron said that it has screening on it and our code does not allow for a fence in the front yard to be 100% screened, it allows for 50% or 25% open. With the proximity to Highway 75 it's preferred to be screened.
Jodee said that the bamboo is a plant, it has spacing in-between.

Brent said that it's a unique situation. It's a front yard, back yard, and side yard all rolled into one. Off of city property that's not even paved. He couldn't think of any reason people would drive down there unless it's emergency services or the residents themselves. He doesn't see the bamboo fencing hindering anyone in the long run.

A map of the area was reviewed.
Darren Tooley explained that from his perspective it's such a unique property that it's almost like it's in a side yard rather than in a back yard.

Carl Johnson asked why this street didn't get paved?

Ryan Sweatt, 509 E Street, said that they received a letter from the City saying there wasn't adequate drainage on either side to get the pavement done. He referenced a section of the map that showed the City would also need to get a variance from Union Pacific Railroad to get it done, which is why it hasn't been done yet. It's not currently be maintained very well. He also talked about an area pertaining to drainage. He discussed issues with the trains running all the time.

Anthony encouraged them to take that issue pertaining to the road and drainage to the City Council.

A motion was made by Anthony Lamb, seconded by Darren Tooley to approve the variance requests [described below] based upon the applicable zoning ordinance, the unique nature of the property, the area is unique, and the variances will not alter the essential character of the locality, and approving the variance is the only reasonable way to meet the request of the applicant. In addition, the City Clerk is directed to work with the City Attorney to draft the findings of fact.

1. To retain the installed privacy screening on an existing chain link fence at 507 E Street.
2. To retain their above ground pool in the front yard at 507 E Street.

Finally, the public hearing is closed at 5:59 pm.
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 Darren Tooley, seconded by Anthony Lamb to adjourn at 6:00 pm.
All ayes, motion carried.

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Danny Christoffers, Secretary Brent Jensen, Chairman