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Philip A. Macumber, Mayor

Andrew J. Barden, City Administrator

BOARD OF ADJUSTMENT MINUTES

April 6, 2023

Chairman Liechty called the meeting to order at 8:30 a.m. at the Winterset City Hall. Members present were Liechty, Dillinger, Bowers and Bush. Duff was absent.

The first agenda item was to approve the minutes of the January 5, 2023 and the Chairman asked for a motion to that effect. Bush made a motion to approve the minutes as submitted. Dillinger made a second to the motion, all members were in favor of the motion, and it carried.

The next agenda item was to allow resident Brooke Donaldson to speak regarding the potential requirement of pool covers to avoid animal deaths. Mrs. Donaldson stated that her kids' emotional support cat got out of their house and was found 2 days later in the neighbor's pool deceased. Chairman Liechty expressed his condolences and suggested she speak to City Council and propose an ordinance change.

The next agenda item was a variance request to allow a sign at 419 S John Wayne Dr to project 5 feet from the building face where 1 foot is the maximum projection allowed in the TD-1 zoning district. Jason Drake was present and advised that it will project no more than the previous Rudy's sign. They want to remove the current sign structure and replace it with a new one bolted to the building face that is more structurally sound. There was no further discussion. Bowers made a motion to approve the variance request. Bush made a second to the motion, all members were in favor of the motion, and it carried.

The final agenda item was a discussion regarding removing swimming pools from the Special Use Permit requirement. Chairman Liechty took the Board of Adjustments request for an ordinance update to City Council and spoke at the February 6, 2023 meeting. No changes were made at this meeting. Drew Barden brought the approval of Pool Ordinance suggested revisions and request for Public Hearing on the changes to City Council on February 20, 2023. After discussion from City Council, they prefer to retain manufactured fencing (which attaches to the pool itself) as an option and agree with all other changes. They decided to table the discussion and send back to Board of Adjustment for review. Bush remarked that if people were to use the fencing that attaches to the pool, it should be required to be from the same manufacturer as the pool. Liechty remarked that the attached pool fencing should remain on the pool 12 months out of the year to prevent drowning even in the smallest amount of water and defining the word "permanent"

in the code. Dillinger remarked that people should be asking the City before getting a pool to be educated on the requirements. City Administrator Barden then remarked that when an ordinance change is approved, it goes active the day it is published in the newspaper and we cannot go back to previously approved pools and require them to remove the attached fencing. Bowers then remarked that her concern is for the safety of people and the attached pool fencing could potentially cause people to get stuck inside the pool and not be able to get out. Liechty then remarked that due to the safety concern from all board members, they stand by the original ordinance changes. Barden made the final remark that he will take the original recommended changes back to the City Council. No motion needed.

The Chairman then asked for a motion to adjourn. Bowers made the motion, Bush made a second to the motion, all members were in favor of the motion and the meeting was adjourned.

Chairman, Jim Liechty

Code Enforcement Officer, Hollie Burgus