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Philip A. Macumber, Mayor

Andrew J. Barden, City Administrator

BOARD OF ADJUSTMENT MINUTES

May 4, 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 Duff. Bush was absent.

The first agenda item was to approve the minutes of the April 6, 2023 and the Chairman asked for a motion to that effect. Bowers 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 a variance request to allow resident Kirk Wagner to build an 1152 square foot accessory building in the rear yard where 990 square feet is the maximum size allowed. Mr. Wagner advised that the property is his mother-in-law's and he lives there. Duff made a motion to approve this variance with the stipulation that it goes into the property owner's name. Dillinger made a second to the motion, all members were in favor and the motion carried.

The next agenda item was a special use permit request to allow an arcade at 123 W Jefferson Street. Megan Barrett would like to have 8-10 arcade games, board game area and prepackaged concessions for private events. She also would like to do an 8 week trial run with an open arcade night on Friday and Saturday evenings, closing at 9pm. Bowers asked if it would be open to anyone on those Friday and Saturdays and Barrett answered, yes. Kids would need adult supervision. Bowers made a motion to approve the variance request. Duff made a second to the motion, all members were in favor of the motion, and it carried.

The next agenda item was a variance request at 320 N 3rd Street to allow a 6 ft fence in his front yard. Mr. Barden, city administrator, went to the property to meet with owner, Ethan Black. They currently have a 4 foot chain link fence and want to build a 6 ft fence for a future swimming pool. The proposed fence will not be along the property line along North Street. Mr. Black also spoke with the neighbor to the west and the proposed fence will not impede on her vision clearance. Bowers asked if he owned the whole property. Mr. Barden answered yes. It is a very large lot. They can not put the proposed pool in the rear yard due to trees. Duff made a motion to approve the variance as submitted. Dillinger made a second to the motion, all members were in favor and the motion carried.

The next agenda item was a variance request to allow Gene Stephenson to have a 12 inch overhang on a recently constructed covered patio. It currently sits at 5 ft where 5 ft is the minimum required setback. This variance would allow a 12

inch overhang. This request is mainly cosmetic. Duff made a motion to approve the variance allowing no more than 12 inches to overhang the existing covered patio. Bowers made a second, all members were in favor and the motion carried.

The next agenda item is a variance request for 601 S 2nd Street to allow Blaine Lowden to split the lot into 2 separate lots. The proposed lots would be 7440 square feet in area where 7500 is required in the R-2 zoning district. The newly created lots would be 60 square feet less than required. The proposed house for the new lot would meet all setback requirements. Bowers asked if there was any discussion with neighbors. Hollie Burgus, code enforcement officer, advised that we do not notify neighbors for variance requests. Dillinger made a motion to approve the variance request subject to the future empty lot will not be allowed any further variances. Duff made a second to the motion, all members were in favor and the motion carried.

The final agenda item was a variance request for Chestnut Signs to place a pole sign at 1318 N 1st Ave for McDonald's that is 30 feet in height. The height would exceed the maximum height allowed in the Commercial Zoning District. Liechty recalled that Hardee's received a variance for their sign height. Miranda Cassens, representing Chestnut Signs, advised that the pole sign is needed to identify the building itself since McDonald's has a new building design which makes it harder to identify. Duff made a motion to approve the variance. Bowers made a second to the motion, all members were in favor and the motion carried.

Barden advised the board that at the last City Council meeting, there was another discussion regarding swimming pools. The Council is in favor of removing swimming pools from the special use requirement, as well as fencing attached to a deck. They still were not on the same page regarding attached fencing. After discussion at City Council, they came to a consensus that manufactured attached fencing would be allowed if it is recommended or manufactured by the same company as the pool itself and would be required to be attached 12 months of the year. A final resolution will be drafted and presented at a future City Council meeting.

The Chairman then asked for a motion to adjourn. Duff made the motion, Dillinger 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