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Philip A. Macumber, Mayor

Andrew J. Barden, City Administrator

BOARD OF ADJUSTMENT MINUTES

June 1 , 2023

Chairman Liechty called the meeting to order at 8:29 a.m. at the Winterset City Hall. Members present were Liechty, Bush, Bowers and Duff. Dillinger was absent.

The first agenda item was to approve the minutes of the May 4, 2023 and the Chairman asked for a motion to that effect. Duff made a motion to approve the minutes as submitted. Bowers made a second to the motion, all members were in favor of the motion, and it carried.

The next agenda item was a Special Use Permit request for 801 N 9th Ave for a home occupation of floral arrangements and charcuterie boards. Applicant Amy Bengé advised that there will be no parties/events held at her home and she would be delivering most of the items with a very few customers coming to pick up their orders. After a little discussion, Bush made a motion to approve this special use permit. Duff made a second to the motion, all members were in favor and the motion carried.

The next agenda item was a variance request for 416 E Jefferson Street to allow a 6 ft tall fence in the front yard. Marvin Scadden was not in attendance. However, when he applied for the variance, he advised that he does not want to put the fence at the same setback as the existing house and garage. After much discussion, Duff made a motion to approve the variance request. Bush made a second to the motion, after a voice vote the motion carried 3-1, with Liechty voting nay.

The next agenda item was a special use permit request at 320 N 3rd Street to allow a swimming pool. Ethan Black already received a variance for his new 6 ft fence to be allowed in the front yard during the May 4, 2023 Board of Adjustment meeting. No one was in attendance in support or against. Duff made a motion to approve the variance as submitted. Bowers 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 Mr Montross to have a grill outside on the sidewalk adjacent to a new restaurant at 101 N John Wayne Dr. He was in attendance and advised the Board that he intends to serve the same menu as Cobblestone Hotel with hamburgers, pizza and tacos. He advised that it would cost at least \$5,000 to make the necessary improvements inside to have a commercial kitchen and he isn't willing to invest that at this time. After much discussion, Duff made a motion to approve the variance with the stipulation that the grill be removed

from the sidewalk when not in use. Bowers made a second, all members were in favor and the motion carried.

The next agenda item is a Special Use Permit request for 1221 W Washington Street to allow a swimming pool. There is already a 6 foot fence surrounding the rear of the property. Bowers made a motion to approve the variance. Bush made a second to the motion, all members were in favor and the motion carried.

The final agenda item was a Special Use Permit request for 802 N 8th Ave to allow a home occupation of dog boarding. Code Enforcement was made aware of this occupation through an advertisement by Mrs. Alexander for the business. Mr. Alexander advised that they are state certified and they are kennel free. They have a limit of 2 dogs per family and no dogs over 20 pounds. Bush advised that she is aware of one circumstance where there was a dog bite from this address to which Mrs. Alexander replied that was an isolated incident and happened with their personal dog and a child from the neighboring property who was allegedly provoking the dog. Mr. Alexander then went on to say that 99% of their customers are return customers and there is always someone with them when they are outside. They did have someone in attendance in support of their home occupation. The resident at 722 N 8th Ave advised that she does not hear any barking nor do they smell any odors and Mrs. Alexander is always out there with the dogs. Bush made the recommendation that they alter their existing fence to be a solid fence instead of a picket fence. Duff made a motion to approve the variance subject to the stipulation that they alter the fence to be of solid material. Bush made a second to the motion, all members were in favor and the motion carried.

Barden advised the board that after much discussion with City Council regarding the ordinance update for pools, they finally came to the decision that all changes were agreed upon. They did want to add one paragraph regarding the attached fencing, stating that they shall be able to use such fencing if it was recommended or manufactured by the pool manufacturer. Liechty expressed his strong opinion that the language use the word "may" instead of "shall" to give the building official and city staff the ability to deny a building permit if they want to use the wrong type of attached fencing. Bush made a motion to approve the changes with the addition of the word "may" instead of "shall". Duff made a second to the motion, all members were in favor and the motion carried.

The Chairman then asked for a motion to adjourn. Duff 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