



HUXLEY

— HEART OF THE PRAIRIE —

ZONING BOARD OF ADJUSTMENT MEETING AGENDA

Wednesday May 17, 2023

12:00 P.M.

This meeting will be conducted via Zoom. To participate, see information below.

1. **Call to order**
2. **Approve agenda as presented and/or amended**
3. **Approve minutes from the November 17, 2022 meeting**
4. **Business Items**
 - a. Request for proposed Special Use Permit to allow for a variance in the setback on the south (rear yard) located at 516 E 5th St., Huxley, Iowa, and legally described as Lot Two (2) in Meadowview Plat No. 1 in the City of Huxley, Story County, Iowa.
5. **Adjournment**

Zoom Information:

Meeting ID: 672 468 5877

Passcode: 50124

Huxley Zoning Board of Adjustment Minutes Thursday November 17, 2022

Chairman Paul Wilken called the meeting to order at 1:00 P.M.

ROLL CALL: Hyman, Wilken, Wheeler, Wilson, Nebbe present.

CITY STAFF PRESENT: Amy Kaplan – Zoning Clerk, Jolene Lettow—City Clerk

CONSULTANTS PRESENT: Matt O’Hollearn—City Attorney

GUESTS PRESENT: Everett Ihle, Tracey Roberts

Welcome Dan Nebbe to the Zoning Board of Adjustment.

APPROVE AGENDA AS PRESENTED AND/OR AMENDED: Motion –Wheeler, second –Hyman to approve agenda. 5 AYE. 0 NAY.

APPROVE MINUTES FROM JULY 19, 2022 MEETING: Motion- Wilson, second- Hyman to approve minutes. 5 AYE. 0 NAY.

BUSINESS ITEMS:

Request for a variance to the six-foot fence height restriction under the current Chapter 165.37(1). The requested variance seeks to build a fence to a height of eight feet in the side and rear yards of an R-1 District that does not immediately abut an M-1, C-1, C-2, or the right-of-way of a federal or State highway, and located at 306 Oak Boulevard, Huxley, Iowa, and legally described as Lot Seventeen (17) in Timberlane Plaza Plat No. 2 in the City of Huxley, Story County, Iowa.

Ihle on behalf of himself and O’Hollearn on behalf of the City presented their positions on this request. The Board considered the documents/photos submitted on behalf of the applicant and the City, and the comments given on behalf of the applicant, the public, and the City.

The Board discussed both positions in great depth. Ihle was asked several times to show a substantial hardship which would warrant him to reconstruct the eight-foot fence he once had. Ihle stated that the hardship was the Derecho. O’Hollearn clarified that a Derecho does not qualify as a hardship. Ihle was then given another chance to provide a substantial hardship and was unable to. It is the finding of the Board that the applicant did not establish his entitlement to a variance by showing the enforcement of the zoning code will result in unnecessary hardship.

Motion-Hyman, second-Nebbe to move to deny the variance request. Hyman, Wilken, Nebbe voted yes. Wheeler, opposed. Wilson abstained. Motion carried 3/1/1.

ADJOURNMENT: Motion – Hyman, second- Wilken to adjourn meeting at 2:35 P.M. 5 ayes, 0 nays. Motion carried.

Amy Kaplan, Zoning Clerk

Paul Wilken, Chairman

Date of Approval



HUXLEY
— CITY OF THE PRAIRIE —

Appeal to the Board of Adjustments

Date Submitted: 4-6-2023 Board Review Date: _____
Property Owner: Chris Deason
Property Address: 516 E 5th St Huxley
Property Zoning: Residential
Legal Description: Meadowview PLAT 1 LOT 2

Please provide a detailed explanation of work to be done and variance needed:

SEE ATTACHED

Please define the hardship that allows this request to be considered by the Zoning Board of Adjustment:

SEE ATTACHED

The fee for variance is nonrefundable. All neighboring property owners will be notified of this variance request plus a notice will be published in a local newspaper. Please include a fully dimensional to scale, site plan.

Signed: C. A. D.

Date: 4/6/2023

Appeal to Zoning Board of Adjustments

Primary: \$100

Secondary: \$50

Special Use Permits: \$100

.....
(office use only)

Date Hearing Advertised: _____

Decision of the Board:

Chris Deason 516 East 5th street Huxley, IA. Meadowview Plat 1 lot 2. Request for a variance.

Please provide a detailed explanation of work to be done and variance needed:

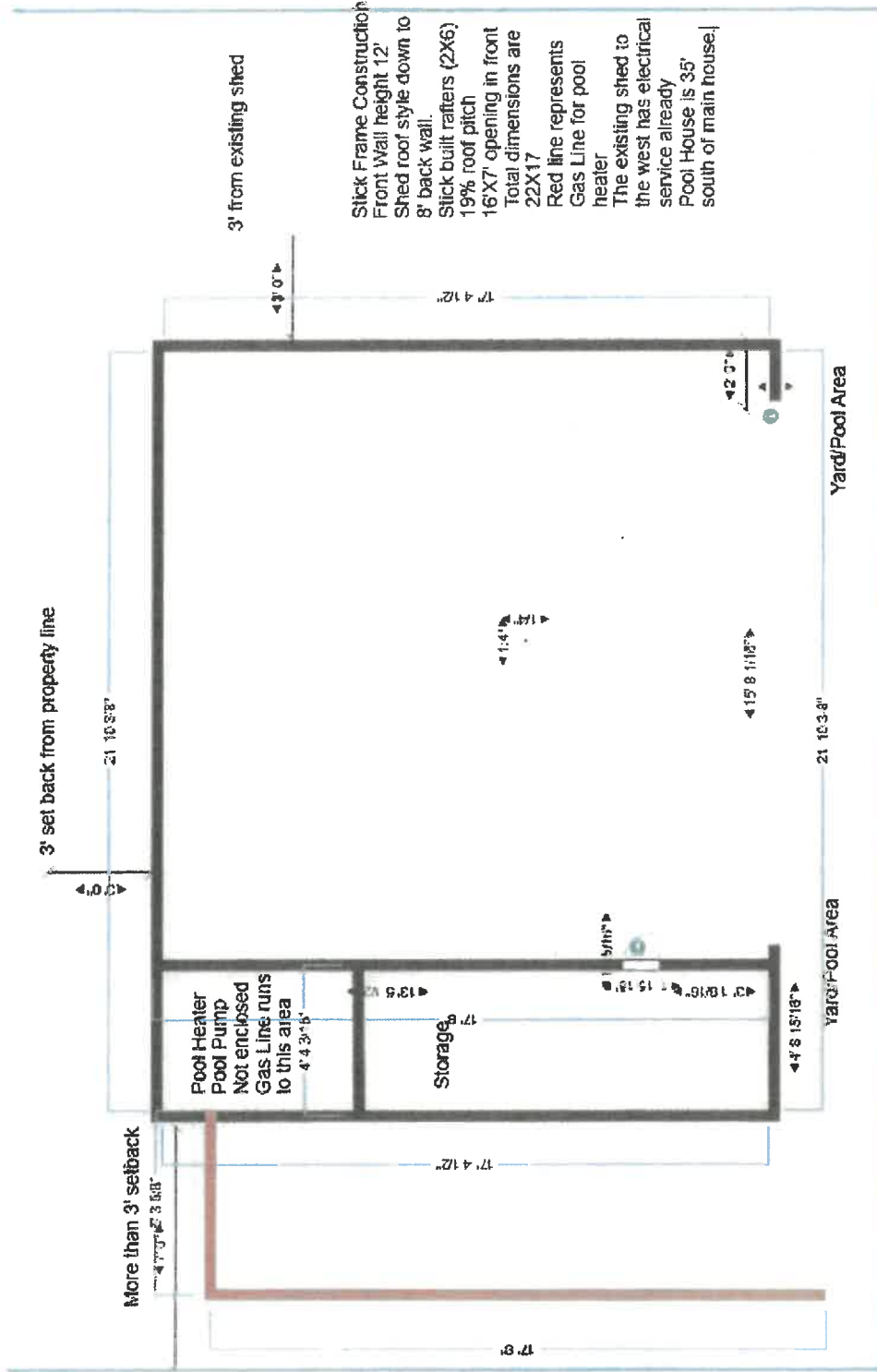
The property is located at 516 East 5th street in Huxley, Iowa. The work to be done is the building of a pool house in the back yard of the property. The back yard already contains a shed and concrete slab which was a basketball court. Those were both built in 2003. The permit for those at the time required a 3' setback from all property lines. The slab for the shed and the basketball court are both 3' off the property line. The slab was built with reinforced edges and rebar along with fiberglass in the concrete to be able to hold a building at a later date. That later date has come as we have hired a company to install a pool in the back yard. To compliment the pool we would like to build a pool house. The pool house will be stick framed with an approximate size of 18X23. The roof will be "shed" style with a 12' front wall and an 8' rear wall. The building will be wide open for pool viewing. I plan to finish the fascia with black metal and the soffits with wood carsing. The building will be sided and painted to match the house. I would like to place the building on the existing slab which lines up perfectly with the existing shed. As I understand it, the code was changed in 2015 and the setback is now 5'. This would require me to move the new building to the North 2'. I am seeking a variance to place the building on the existing slab so that it lines up with the existing shed and the buildings are in a nice straight line. This variance would mean that I would have a 3' setback (which already exists with the current slab and shed) instead of a 5' setback.

Please define the hardship that allows this request to be considered by the Zoning Board of Adjustment:

The hardship that allows this to be considered by the Zoning Board of Adjustment is that I would need to move my new building to the North 2'. In doing this, I would have 2' of exposed concrete. This would cause water to pool up and run into my new structure. So, in order to comply with the 5' setback, I would need to hire someone to come in and cut the concrete back 2'. Then, they would have to remove that concrete. From the estimate I received, it would cost me approximately \$500. (Weeks Construction) Add this to the cost of this variance and I would be at a loss of \$600. In addition to the cost and the extra time, my building would be smaller. Also, the building would no longer line up with the existing shed, which would not be aesthetically pleasing to the neighbors. If this variance is not granted it will also delay our project. We have saved for years to put this pool in our backyard and we are looking forward to having this all done in a timely manner. Having to wait for a hearing is already delaying a project that we have been so excited to get started.

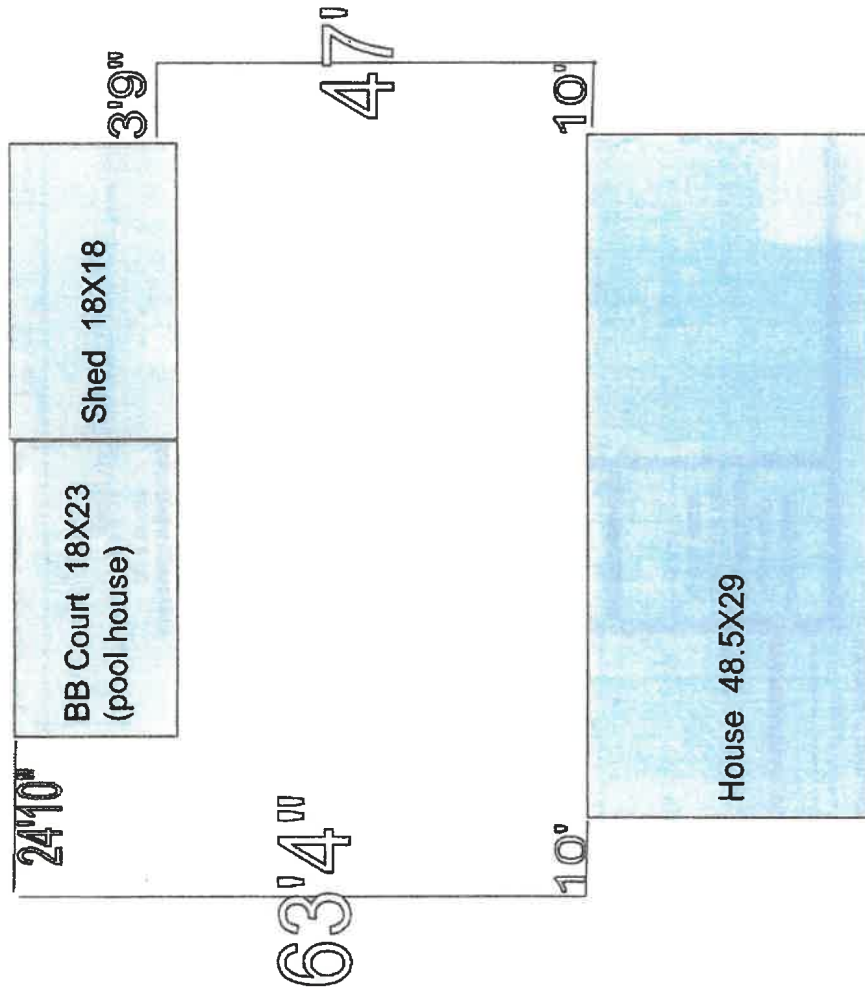
If this variance is granted I will be required to put 5/8" sheetrock on both sides of the South wall. This would cost approximately \$168.

Deason Pool House
516 East 5th Street
Huxley, IA 50124



Date: 5/16/2017 Title: Deason Pool House	Drawing: 801506	Project: 0000416	Drawn: Name	Notes:
	Scale: 1/4" = 1'-0"	Date: 01/30/2017	Rev: A Left= 33' 9" Top= 15'	H= 6' 3" M= 5

Deason Pool House
516 East 5th Street
Huxley, IA 50124



E 5TH ST

516

68'

138.94'

138.94'

68'

57.33'



**Homeowners within 200 feet of
Chris and Lori Deason: 516 East 5th Street. Huxley, IA**

Paul and Jenifer Kallio

514 East 5th Street. Huxley, IA

Michelle and Galen Gillespie

518 East 5th Street. Huxley, IA

Deborah Fox and Rich Grimes

515 East 4th Street. Huxley, IA

GLAD WSY LC

523 East 4th Street. Huxley, IA

(112 Porchlight Dr. Huxley, IA)

NOTICE OF PUBLIC HEARING

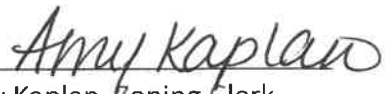
TO: ALL CITIZENS AND ALL PARTIES IN INTEREST WHO MAY BE ENTITLED TO NOTICE AND OPPORTUNITY TO BE HEARD ON A REQUEST FOR A SPECIAL PERMIT UNDER SECTION 165.43(4)(K) OF THE ZONING ORDINANCES FOR PROPERTY LOCATED AT 516 E 5th STREET, HUXLEY, IOWA

You are hereby notified that at 12:00 p.m. on the 17th day of May, 2023, the Zoning Board of Adjustment of Huxley, Iowa, will hold a public hearing via Zoom on an application for a special permit by property owner Chris Deason, under section 165.43(4)(K) of the Zoning Ordinances.

The applicant requests a Special Use Permit to allow for a variance in the setback on the south (rear yard) located at 516 E 5th St., Huxley, Iowa, and legally described as Lot Two (2) in Meadowview Plat No. 1 in the City of Huxley, Story County, Iowa.

Municipal Code Section 165.22(2) requires a setback of five (5) feet in a R-2 District. The property owner seeks to build a pool house with a setback of three (3) feet, and therefore requests a Special Use Permit for a two (2) foot variance on the south.

All persons will have the opportunity to be heard on such proposals at such time and place. Thereafter, the Board of Adjustment may take action on such request for a special use permit without further notice or opportunity for hearing.


Amy Kaplan, Zoning Clerk

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165.22 R-2 DISTRICT – SINGLE-FAMILY AND DUPLEX RESIDENTIAL DISTRICT.

The R-2 District is intended and designed for certain medium density residential areas of the City now developed with single-family and duplex residences, and areas where similar residential development is appropriate. The R-2 District is subject to the following regulations:

1. Permitted Uses. Only the following uses of structures or land shall be permitted in the R-2 District:
 - A. Any use permitted in the R-1 District.
 - B. Duplex residences.
 - C. Bed and breakfast establishment.
2. Bulk Regulations. The following minimum requirements shall be observed in the R-2 District:

Minimum Lot Area	Minimum Lot Width	Minimum Front Yard	Minimum Side Yard	Minimum Rear Yard	Maximum Height
single-family dwelling: 7,000 square feet duplex: 12,000 square feet ¹	single-family dwelling: 50 feet duplex: 65 feet	30 feet	8 feet each side ²	25 feet	principal building: 35 feet accessory building: 20 feet
1 For preexisting nonconforming lots, the minimum lot area shall be 6,000 square feet for an unbuilt lot and any size for a built lot where the dwelling has been destroyed. 2 For detached building, 5 feet each side.					

3. Solar Access. No structure or improvement to an existing structure shall be situated so that it shades an adjacent residence in a significant way or interferes significantly in the use of solar devices.
4. Other Standards. All uses shall meet the parking, design and sign standards of this chapter.

J. Mini-storage buildings and outdoor storage lots provided they are on a paved surface, surrounded by an eight-foot fence, properly screened on all sides, and in the M zoning districts only.

K. **Practical Difficulties.** The Board shall have the power to authorize exceptions to any setback, area, length, width, yard size, or projection limitations or to the minimum required number of off-street parking or loading spaces; provided, such an exception may be granted only where:

(1) Such exception does not exceed 50 percent of the particular limitation or number in question; or such exception is from a yard requirement to permit an addition to an existing legal nonconforming building, and such addition extends no further into the required yard than the existing building;

(2) The exception relates entirely to a use classified by applicable district regulations as either a principal permitted use, a permitted accessory use, a permitted sign, or to off-street parking or loading areas accessory to such a permitted use;

(3) The exception is reasonably necessary due to practical difficulties related to the land in question that prohibit the use of the subject property in a manner reasonably similar to that of other property in the same district, including, but not limited to, exceptional narrowness, shallowness or shape of the subject property, exceptional topographical conditions, location of public utilities or public improvements on or adjacent to the subject property, or other extraordinary or exceptional situation;

(4) Such practical difficulties cannot be overcome by any feasible alternative means other than an exception; and

(5) The exception is in harmony with the essential character of the neighborhood of the land in question.

5. **Conditions Applicable to Special Permits.** Before issuing any special permit for any building or use, the Board of Adjustment shall review the conformity of the proposed building or use with the standards of the comprehensive plan, and with recognized principles of civic design, land use planning and landscape architecture. The Board of Adjustment may approve the special permit as submitted, or before approval, may require that the applicant modify, alter, adjust or amend the proposal as the Board of Adjustment deems necessary to the end that it preserves the intent and purpose of this chapter to promote public health, safety, morals and the general welfare. Applications for a special permit under the terms of this section shall be accompanied by evidence concerning the feasibility of the proposed request and its effect on surrounding property and shall include a site plan defining the areas to be developed for buildings, the areas to be developed for parking, the locations of sidewalks and driveways and the points of ingress and egress, including access streets where required, the location and heights of walls, the location and type of landscaping and the location, size and number of signs. In the event a special permit is granted, any change thereafter in the approved use or site plan shall be re-submitted and considered in the same manner as the original proposal. The Board shall give at least ten days' public notice of the hearing on each application for a special permit.