



HUXLEY

HEART OF THE PRAIRIE

ZONING BOARD OF ADJUSTMENT MEETING NOTICE

October 15, 2024
10:15 AM

Zoom Information:
Dial in: 312-626-6799
Meeting ID: 672 468 5877
Passcode: 50124

AGENDA

1. Call to order
2. Approve agenda as presented and/or amended.
3. Approve minutes from Wednesday November 8, 2023 meeting.
4. Business Items
 - a. Request for a Variance to build an accessory building at 102 Majestic Oak Circle, Huxley, Iowa and legally described as Lot 20 in Timber Ridge Subdivision in the City of Huxley, Story County, Iowa. The property owner is appealing a building inspector decision and requesting a variance in the height of the building sidewall, and a front yard variance for the side of the building that backs up to 310th Avenue.

Municipal Code Section 165.05.2(A) limits the sidewall height of the building to 10 feet. The property owner seeks to build a building with a sidewall height of 12 feet, so the property owner is requesting a 2-foot variance in the height.

Municipal Code Section 165.20.2 requires a 25-foot setback for the front yard. The property owner seeks to set the building at 18 feet, so the property owner is requesting a 7-foot variance on the set back.
5. Adjournment

For more information on this and other agenda items, please call 515-597-2561 or visit City Administration Building at 515 N. Main Ave.

Huxley Zoning Board of Adjustment Minutes

Wednesday November 8, 2023

Chairman Paul Wilken called the Zoom meeting to order at 12:00 P.M.

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

CITY STAFF PRESENT: Amy Kaplan – Zoning Clerk, Dave Haugland—City Administrator

CONSULTANTS PRESENT: Amy Beattie—City Attorney

GUESTS PRESENT: Dave Mikkelsen

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

APPROVE MINUTES FROM MAY 17, 2023 MEETING: Motion- Hyman, second- Wilson to approve minutes. 5 AYE. 0 NAY.

BUSINESS ITEMS: *Request for a Variance in the height of a fence from 6 feet to 8 feet, on the rear yard of the property located at 709 Maple Drive, Huxley, Iowa, and legally described as Lot Two (2) in the Timberlane Plaza Plat 2 in the City of Huxley, Story County, Iowa.*

Municipal Code Section 165.37(1) limits the height of a fence to six (6) feet. The property owner seeks to build a fence with a height of eight (8) feet, so the property owner is requesting a 2-foot variance on the fence to be built on the rear yard of the property in a R-1 District that immediately abuts an apartment building in a R-3 District and looks through to a C-2 District.

Dave Mikkelsen was in attendance to discuss the requested variance. He spoke regarding the following topics:

- Derecho took down the existing 8-foot fence
- Both neighbors directly to the south have 8-foot fences. These fences are linear and next to each other. The neighbor to the north is an empty lot and does not have a fence.
- Traffic and lights from the apartments and The Plaza are an issue.
- The parking lot of the apartments is higher than the ground level of the property at 709 Maple Dr.

Haugland indicated that the apartments behind 709 Maple are multifamily and a C2 (General Commercial) zoned property (The Plaza) is visible from 709 Maple. The City has no issue with the fence. Amy Beattie supports this position from the City.

It was noted that the Zoning Board of Adjustment previously reviewed a request for an eight-foot fence that was destroyed by the derecho but it was denied as a hardship was not given and there was no uniformity.

No public comments were received in favor or opposition of this variance request.

Motion-Hyman, second-Wheeler to accept applicants' proposal for a variance. Hyman, Wilken, Wheeler, Wilson, Nebbe voted yes. MCU.

ADJOURNMENT: Motion – Hyman, second- Nebbe to adjourn meeting at 12:18 P.M. 5 AYE, 0 NAY. Motion carried.

Amy Kaplan, Zoning Clerk

Paul Wilken, Chairman

Date of Approval



Date: May 23, 2024
To: City of Huxley/Linda Sommerfeld
From: Patrick Carruthers-Green
RE: Zoning review notes for 102 Majestic Oak Cir

DESCRIPTION OF PROPOSED WORK

The applicant has proposed the construction of a detached 40'x64'x16' (2,560 SF) post-framed accessory structure in the west yard of the property. The property is in the North TimberRidge Subdivision in the R-1 zoning district.

BASIS FOR PERMIT DENIAL

1. The city zoning code restricts the height of residential accessory structures (**Chapter 165.05.12 & 165.20.2**). The height limits include maximum 10' sidewalls and a maximum distance of 20' from the interior floor to the highest point of the roof. Additionally, the accessory structure height shall not exceed the principal structure height.
 - a. The submitted building permit application includes plans for 16' sidewalls.
 - b. While the roof dimensions were not provided, assuming a typical 4/12 pitch pole-framed roof structure, the estimated ridge height is at least 22'-8".
 - c. The primary dwelling height was not provided, but available photos appear to show 8'-9' tall walls. The proposed accessory structure most likely exceeds the height of the dwelling.
2. The applicant property is a double frontage lot. The city zoning code requires a minimum front yard setback of 30' on all front yards (**Chapter 165.05.35.F & 165.20.2**).
 - a. The proposed setback to the south property line is approximately 15'.
3. The applicant has proposed a second driveway approach to the new structure. This request does not comply with SUDAS standards and requires review and approval by the city engineer.

ADDITIONAL RELEVANT ZONING REQUIREMENTS

1. An accurate, dimensioned site plan was not provided. All proposed setback and location information was provided in a narrative form. An accurate, dimensioned site plan may be required.
2. The recorded North TimberRidge Subdivision plat shows a required 50' front yard setback on the north property line. This required setback supersedes the R-1 zoning district requirement (**165.31.2**). The proposed setback to the north property line is 50' and complies with all requirements.
3. Accessory buildings must be at least 5' from a primary structure (**Chapter 165.31.5**). The proposed building separation is approximately 48' and complies with all requirements.



This review encompasses the City of Huxley zoning code requirements only. As a result of non-compliance with the city zoning code, no building code review was conducted. The proposed structure has not been reviewed for compliance with the City of Huxley building code. A building code review will be conducted if compliance with the city zoning code is met.

NOTE: A variance issued by the city Board of Adjustment provides compliance with the zoning code only. The Board of Adjustment does not review or approve projects for building code compliance.

2. **Bulk Regulations.** The following requirements shall be observed in the R-1 District:

| Minimum Lot Area | Minimum Lot Width | Minimum Front Yard | Minimum Side Yard | Minimum Rear Yard | Maximum Height | Minimum Building Depth | Minimum Building Width |
|---------------------------------|----------------------|--------------------|--|----------------------|--|---|---|
| 10,000 square feet ¹ | 80 feet ² | 30 feet | 1½ stories: 8 feet each side 2 or 3 stories: 10 feet each side ³ | 25 feet ⁴ | principal building: 35 feet accessory building: 20 feet | 24 feet or 30% of lot depth, whichever is smaller | 40 feet or 80% of lot width, whichever is smaller |

1 For preexisting nonconforming lots, the minimum lot area shall be 7,000 square feet for an unbuilt lot and any size for a built lot where the dwelling has been destroyed.
 2 For an unbuilt nonconforming lot, minimum lot width shall be 50 feet.
 3 For an unbuilt nonconforming lot, minimum side yard shall be seven feet for 1½ stories and eight feet for 2 and 3 stories; detached building, 5 feet each side.
 4 For detached building, minimum rear yard shall be 5 feet. Where yard borders Ballard Creek or its tributaries, rear yard shall be 50 feet and no more than 50% of shrubs and trees shall be removed, for purposes of maintaining a wildlife corridor.

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.

[The next page is 887]

4. "Agriculture" means the use of land for growing crops, including farming, pasturage, agriculture and horticulture, and the necessary uses for packing, treating, or storing the produce; excepting grain storage and drying facilities and the raising of farm animals, including dairying, animal and poultry husbandry, and feed lots.
5. "Alley" means a public way, other than a street, twenty feet or less in width affording secondary means of access to abutting property.
6. "Animal pound" means a public or private facility operated for the purpose of impounding seized, stray, homeless, abandoned or unwanted animals.
7. "Basement" means a story having part but not more than one-half of its height above grade. A basement is counted as a story if the vertical distance from the average adjoining grade to its ceiling is over five feet.
8. "Bed and breakfast establishment" means a dwelling unit in the R-2 District containing not more than three guest rooms, where rent is paid in money, goods, labor or otherwise. A maximum of six guests shall be allowed to stay, with a maximum stay of seven days. Breakfast, but no other meals, may be provided. A single, non-electric wall sign having an area not to exceed four square feet may be posted, identifying the name of the establishment, telephone number and vacancies only.
9. "Billboard," as used in this chapter, includes all structures, regardless of the material used in construction of the same, that are erected, maintained or used for public display of posters, painted signs, wall signs, whether the structure is placed on the wall or painted on the wall itself, pictures or other pictorial reading matter which advertise a business or attraction which is not carried on or manufactured in or upon the premises upon which said signs or billboards are located.
10. "Board" means the Board of Adjustment of the City.
11. "Boardinghouse" means a building other than a hotel, where for compensation, meals or lodging and meals are provided for three or more persons.
12. "Building" means any structure designed or intended for the support, enclosure, shelter or protection of persons, animals or property, but not including signs or billboards.
 - A. "Height of accessory building" means the vertical distance between the highest point of the roof structure and the floor slab or grade level of an unfinished floor of an accessory building and shall not exceed 20 feet, with 10-foot sidewalls maximum. The height of accessory building shall not exceed principal building.
 - B. "Height of principal building" means the vertical distance from the average ground level grade of the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the height of the highest gable of a pitch or hip roof.
 - C. "Building depth" means the longest horizontal distance of all sides combined of a building abutting a side yard or parallel to a side lot line measured from front yard to rear yard.
 - D. "Building width" means the longest horizontal distance of all sides of a building facing a front or rear yard or parallel to the front lot line measured from side yard to side yard.
 - E. "Building setback line" or "setback line" – see definition of "yard."

Amy Kaplan

From: Jeff Peterson
Sent: Friday, July 26, 2024 10:51 AM
To: streetsupt@huxleyiowa.org; Forrest Aldrich
Cc: David Haugland; Amy Kaplan
Subject: Re: 102 Majestic Oak Circle---ZBA Meeting Request

I don't have an issue on that one. Dead head street with not much vehicular traffic. Good to go from me.

Sent from my Verizon, Samsung Galaxy smartphone

[Get Outlook for Android](#)

From: streetsupt@huxleyiowa.org <streetsupt@huxleyiowa.org>
Sent: Friday, July 26, 2024 10:40:01 AM
To: Forrest Aldrich <faldrich@v-k.net>; Jeff Peterson <publicworks@huxleyiowa.org>
Cc: David Haugland <dhaugland@huxleyiowa.org>; Amy Kaplan <akaplan@huxleyiowa.org>
Subject: RE: 102 Majestic Oak Circle---ZBA Meeting Request

No problems with me just need a culvert and to be paved

From: Forrest Aldrich <faldrich@v-k.net>
Sent: Thursday, July 25, 2024 2:48 PM
To: Jeff Peterson <publicworks@huxleyiowa.org>; streetsupt@huxleyiowa.org
Cc: David Haugland <dhaugland@huxleyiowa.org>; Amy Kaplan <akaplan@huxleyiowa.org>
Subject: FW: 102 Majestic Oak Circle—ZBA Meeting Request

Jeff and Mat,

Any thoughts or comments about allowing a second driveway?

Forrest Aldrich, P.E.

 **VEENSTRA & KIMM INC.**
3000 Westown Parkway
West Des Moines, Iowa 50266
515-225-8000
faldrich@v-k.net

From: Safe Building Office Admin <office@safebuildingiowa.com>
Sent: Thursday, July 25, 2024 11:28 AM
To: Amy Kaplan <akaplan@huxleyiowa.org>; David Haugland <dhaugland@huxleyiowa.org>; Forrest Aldrich <faldrich@v-k.net>; Safe Building Office Admin <office@safebuildingiowa.com>
Cc: Pat Carruthers-Green <pcarruthers-green@safebuildingiowa.com>; Jeff Begg <jbegg@safebuildingiowa.com>; Karen Frazee <kfrazee@safebuildingiowa.com>
Subject: [EXTERNAL] RE: 102 Majestic Oak Circle---ZBA Meeting Request

Good morning,



CITY OF HUXLEY
515-597-2561

REC#: 00171684 7/25/2024 2:21 PM
OPER: AK TERM: 003
REF#: 956

Appeal to the Board of Adjustment

Date Submitted: 07-25-2024 Board Review

Property Owner: Linda A. Sommerfeld

Property Address: 102 Majestic Oak Circle #4

Property Zoning: R-1

Legal Description: Lot 20, North Timber Ridge
Huxley, Story County, IA

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: Linda A. Sommerfeld

Date: 07-25-2024

Appeal to Zoning Board of Adjustments

Primary: \$100

Secondary: \$50

Special Use Permits: \$100

.....
(office use only)

Date Hearing Advertised: _____

Decision of the Board:

Date: July 25, 2024

Property Owner: Linda A Sommerfeld

Property Address: 102 Majestic Oak Circle Huxley

Property Zoning: R-1

Legal Description: Lot 20, North Timber Ridge Subdivision, Huxley, Story County, Iowa

Work to be done/Variance needed: SEE ATTACHED SITE PLAN

Construct a 40' x 64' accessory building on the SW portion of my residential lot.

The building would sit approximately 45' to the SW of the residence.

The building would be pole barn construction with 12' sidewalls and 4/12 roof pitch for a total height of approximately 18' 8".

The accessory building will provide storage for boat and camper.

A second driveway on Majestic Oak Circle is part of this project.

The two variance requests are as follows:

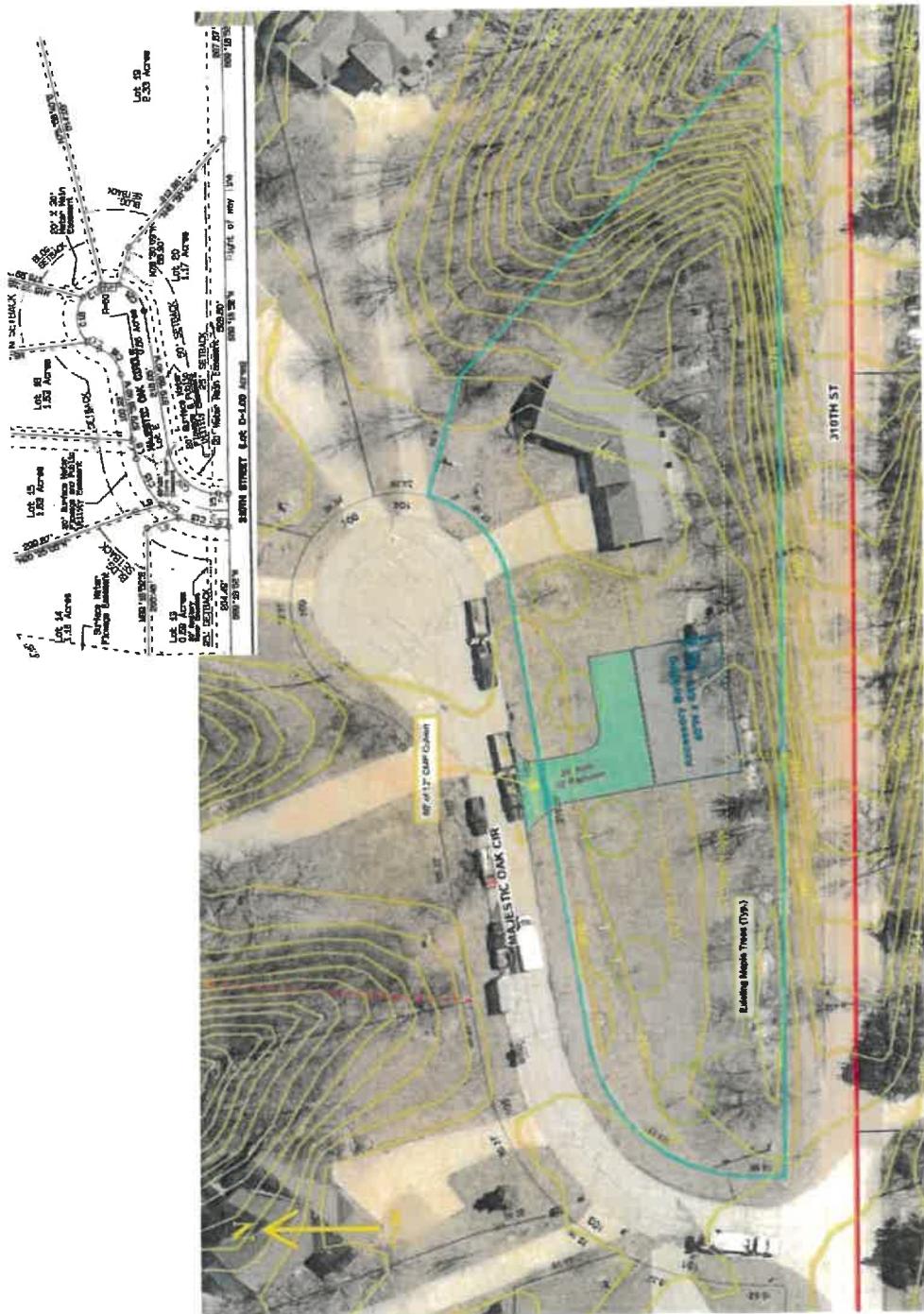
First Variance Request: 12' sidewall height is necessary to allow for (2) 11' overhead doors. The irregularly shape lot does not allow for overhead access on building ends.

Hardship: This door height is necessary to allow for boat/camper access.

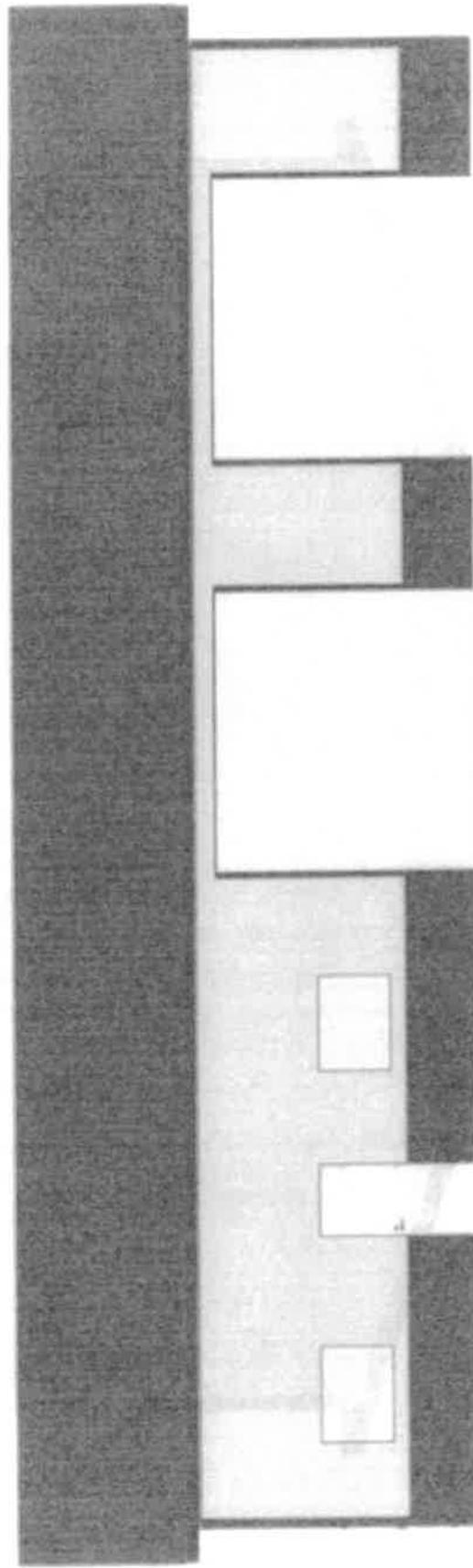
Second Variance Request: A 7' front yard variance is requested for the back side of the building which backs up to gravel road (310th Ave). This causes the building as shown on the schematic to impinge on the front setback to 310th Street.

Hardship: The lot is irregularly shaped and narrows going west from the house. The gravel road is treated as a front yard setback even though it functions as a rear yard. The final plat for the subdivision modified the front setback on Majestic Oak Circle from 30 feet to 50 feet and the setback on 310th Street (the gravel road) was modified to 25 feet for a total of 75 feet of setbacks. The R-1 setbacks in the Huxley ordinance are 30' for the front and 30' for the rear for a total of 60 feet. If there had not been a change to the front setback, then the building would fit and a variance would not be needed. The irregular and narrow lot creates a hardship for placement of the building that is further increased by the change in the setbacks for the subdivision.

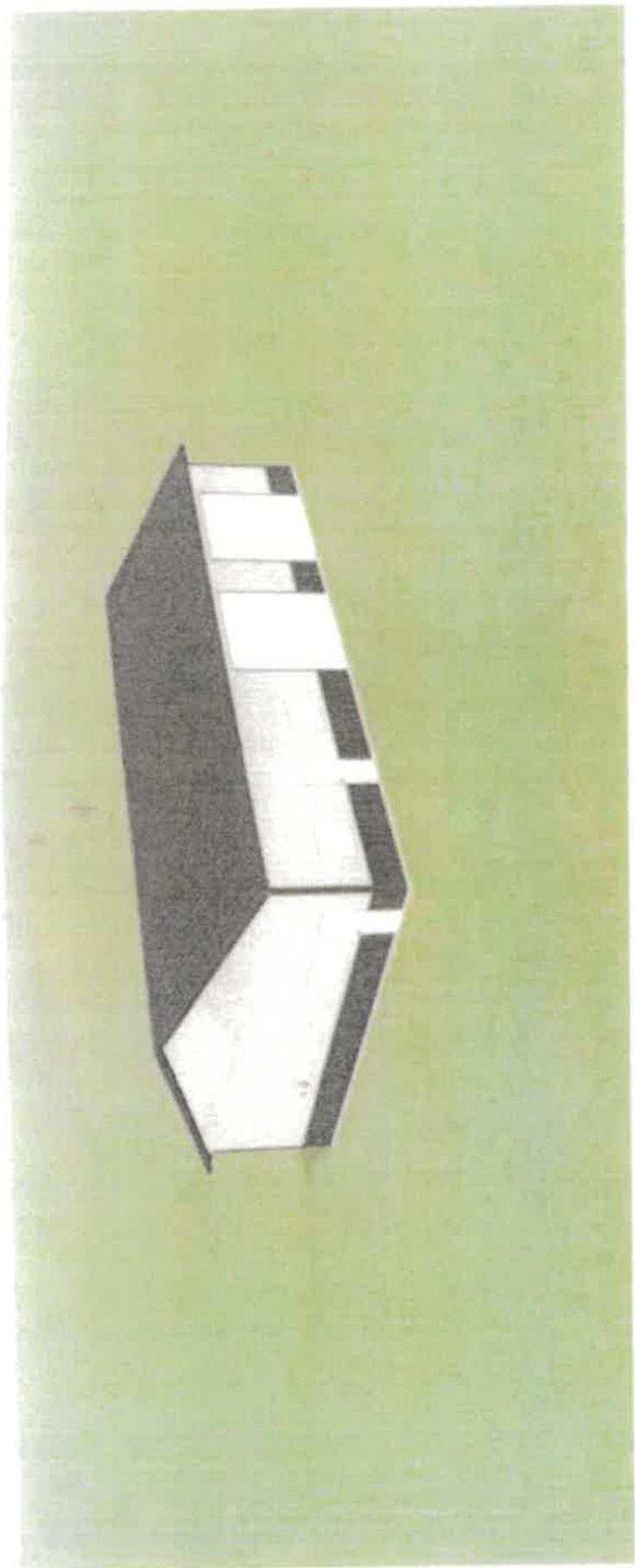
ACCESSORY BUILDING SITE PLAN
102 Majestic Oak Circle
Huxley, Iowa 50124



Left Elevation



29



Cross Section - EXT-1

ROOF MATERIAL: BURNT RED Slate Plate 29 Gauge Delta Max Rd Panel

PURINS: 3/4" x 12" Ledge
SUB FASCIA: 2x6
FASCIA: 10 1/8" Fas. w/ 5 1/2" SOFFIT: Pre-cut 16" wide Aluminum Soffit vented

WALL MATERIAL: Alamo Master Plate 29 Gauge Delta Max Rd Panel
WALL SCOT MATERIAL: Brushed Steel Plate 29 Gauge Delta Max Rd Panel

10'0" O/W WALL W/ 1 1/4" im 1/2"

EXTERIOR WALL CARRIER: 2x5

EXTERIOR WALL GUTTER: 4x4

CORNER POSTS: 1 Ply Laminated Post 2x6
INTERMEDIATE POSTS: 1 Ply Laminated Post 2x6

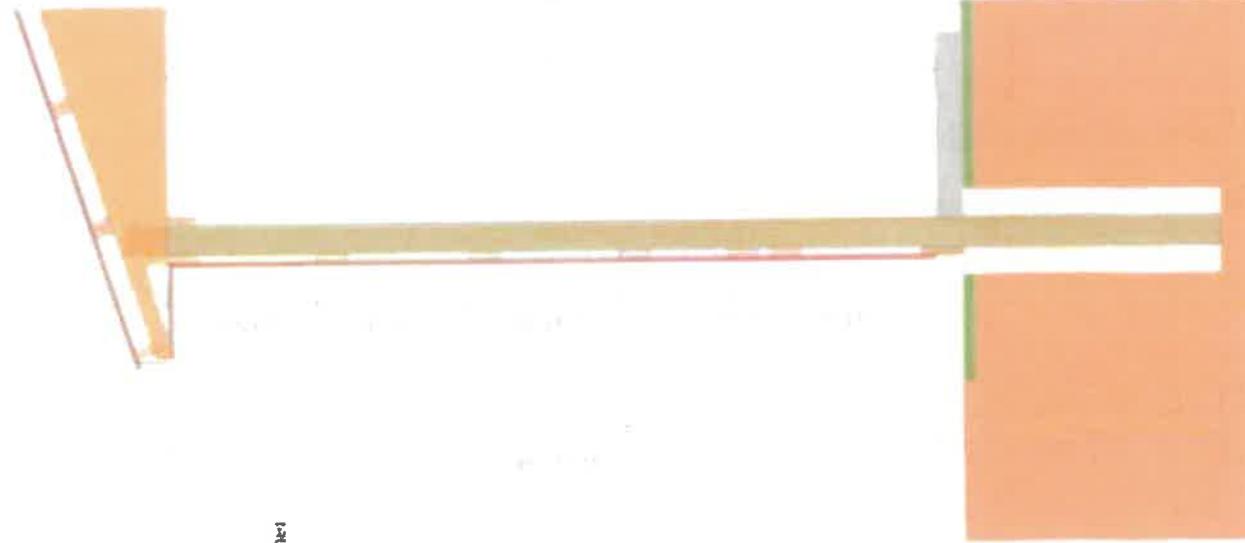
EXIT RAMP SKIRT BOARD: 2x6 Treated
BOTTOM 15 AT GRADE

SIDING BEGINS 3' 5" ABOVE GROUND

SLAB DEPTH: 0' 5"

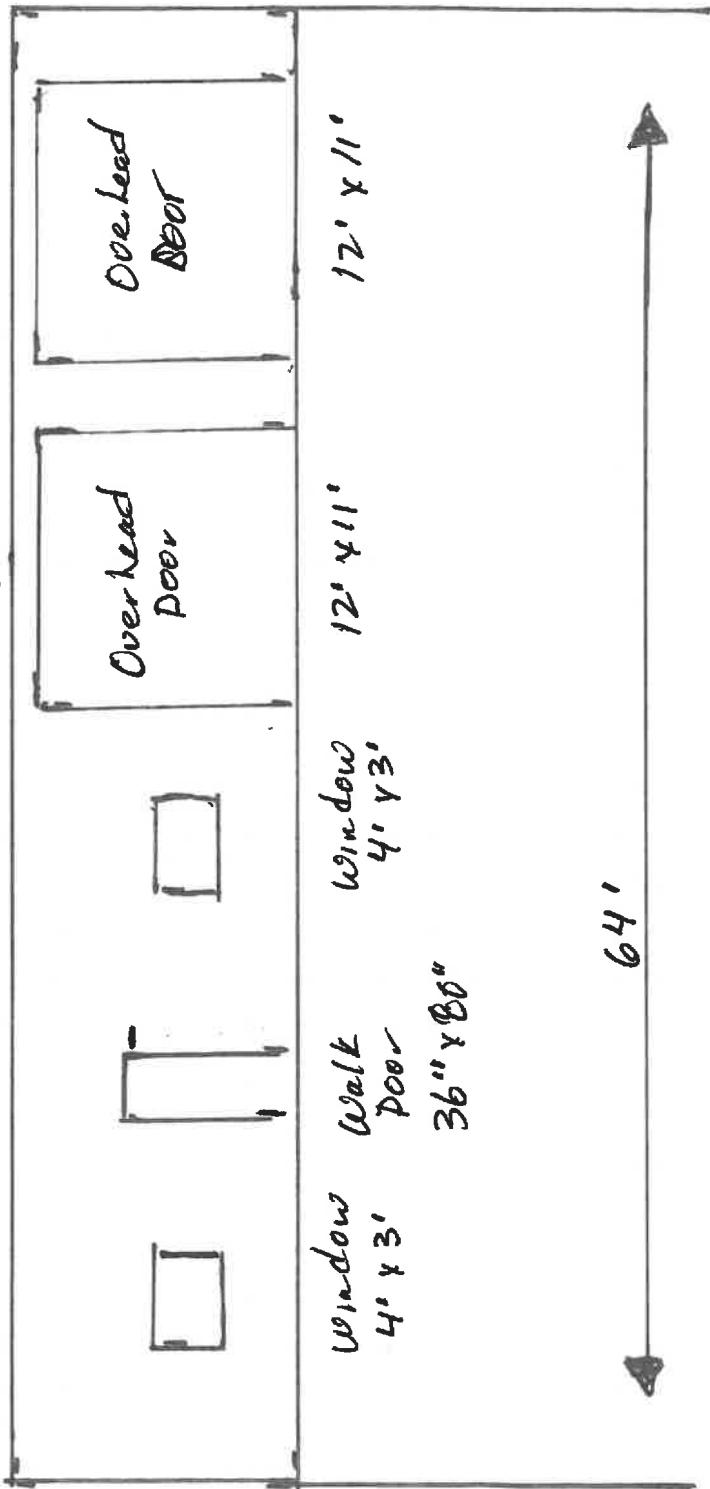
FOUNDATION NOTES:

POST HOLE: 4 x 1' 4" DIA
FASTEN W/ 8d Concrete Ma
BASE: 16" Composite Floating P
SPLURT: 1/2" Rebar 12" long



Somerset

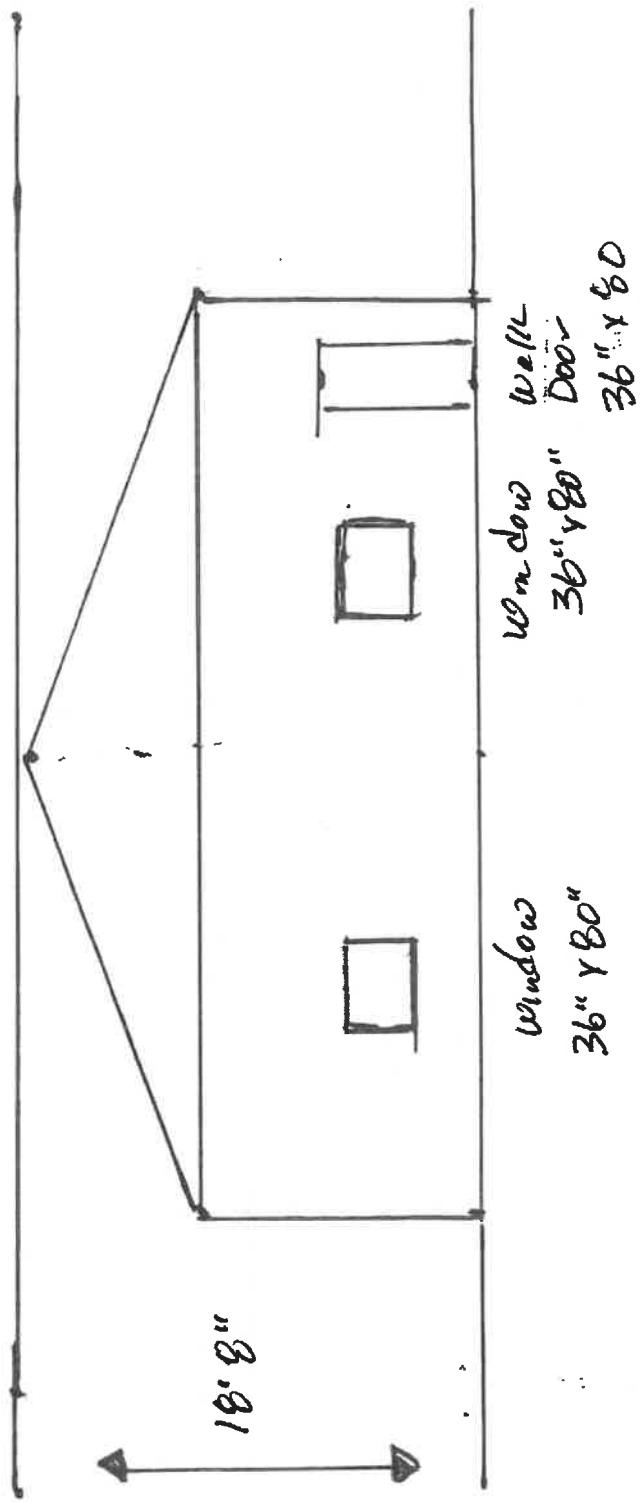
Front View Facing
Majestic Oak Drive



Side Elevation

Side View Facing
House + West

4/12 Pitch





NOTICE OF PUBLIC HEARING

TO: ALL CITIZENS AND ALL PARTIES IN INTEREST WHO MAY BE ENTITLED TO NOTICE AND OPPORTUNITY TO BE HEARD ON AN APPEAL OF THE BUILDING INSPECTOR DECISION AND REQUESTING A VARIANCE ON THE HEIGHT OF A BUILDING AND A VARIANCE FOR A SET BACK FOR PROPERTY LOCATED AT 102 MAJESTIC OAK CIRCLE, HUXLEY, IOWA.

You are hereby notified that at **10:15 am** on the **15th day of October, 2024**, via **Zoom participation only**, the Board of Adjustment of Huxley, Iowa, will hold a public hearing on the application by Linda Sommerfeld appealing a building inspector decision and requesting a variance of the building height restriction under the current Chapter 165.05.12(A) and a variance of the setback requirement under Chapter 165.20.2 for the property at 102 Majestic Oak Circle, Huxley, Iowa and legally described as Lot 20 in Timber Ridge Subdivision in the City of Huxley, Story County, Iowa.

Municipal Code Section 165.05.2(A) limits the sidewall height of the building to 10 feet. The property owner seeks to build a building with a sidewall height of 12 feet, so the property owner is requesting a 2-foot variance in the height.

Municipal Code Section 165.20.2 requires a 25-foot setback for the rear yard. The property owner seeks to set the building at 18 feet, so the property owner is requesting a 7-foot variance on the set back on the side of the building that backs up to 310th Ave.



All persons will have the opportunity to be heard on such variance at such time and place. Thereafter, the Board of Adjustment may act on such request for a variance without further notice or opportunity for hearing.

If you are unable to attend the Zoom meeting, but wish for your opinion to be heard, you are welcome to send your written comments to City Hall via email at akaplan@huxleyiowa.org or by dropping off mailing them to 515 N Main Ave Huxley Iowa 50124.

Should you have any questions, please contact Amy Kaplan at City Hall at 515-597-2561 ext 202.

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Paul Wilken
Board Chairperson

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Ames Tribune

PO Box 631851 Cincinnati, OH 45263-1851

AFFIDAVIT OF PUBLICATION

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515 N Main AVE

Huxley IA 50124-9416

STATE OF WISCONSIN, COUNTY OF BROWN

The Ames Tribune, a daily newspaper printed and published at Ames, Story County, Iowa, and personal knowledge of the facts herein state and that the notice hereto annexed was Published in said newspaper in the issues dated:

10/02/2024

and that the fees charged are legal.

Sworn to and subscribed before on 10/02/2024

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$30.60

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Paul Wilken
Board Chairperson

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Published in the Ames Tribune on
October 2, 2024 (1T)

AMY KOKOTT
Notary Public
State of Wisconsin