

## REGULAR BOARD OF ADJUSTMENT MEETING 10.24.2023

### Call to order

The Regular Meeting of the Norwalk Board of Adjustment was held Tuesday, October 24, 2023, at Norwalk City Hall, 705 North Avenue, Norwalk, Iowa. The meeting was called to order at 6:02 p.m. by Vice Chairperson, Rachel Parker. Present for roll call were Katheryn Thorson, and Nicole McGlothlin (via Zoom). Absent: Brent Hinders

**City Staff present** were Elliot Klimowski, City Planner and Hillarie Ramthun, Community Development Coordinator.

### Approval of Agenda – 23-10

Motion by Thorson and seconded by McGlothlin to approve the agenda. Approved 3-0

### Approval of Minutes – 23-11

Motion by Thorson to approve the minutes of June 20, 2023, and seconded by McGlothlin.

Approved 3-0

### Welcome of Guests

One guest was present.

### Public hearing, recommendation and vote on a variance request from Mark and Kelly Williams to permit the installation of a privacy fence exceeding 4 feet in height within the required front yard setback at 1127 Maple Avenue in Norwalk—23-12

Public hearing opened at 6:05 p.m.

Staff received a zoning variance application on September 25, 2023, regarding fence installation at 1127 Maple Avenue. The applicant and homeowner, Mark Williams, is requesting a variance to allow the installation of a six-foot high fence within the front setback area of his property. This lot is a corner lot, in the Founder's District and is zoned R-F Single Family Town Center Residential. Corner lots, according to code, contain two front yards which limits a fence height to 4 feet.

Notice for the public hearing was mailed out to neighboring properties October 12<sup>th</sup>, 2023 and published in the Des Moines Register on October 17<sup>th</sup>, 2023.

### Applicable Code of:

#### 175A.05 DEFINITIONS:

189. "Lot lines":

A. Front: the lot lines which adjoin a public street right-of-way.

372. "Yard, front" means a yard extending across the full width of the lot and measured between the front lot line and the building line or any projection thereof, other than the projection of the usual uncovered steps, patios, or decks.

#### 175A.30 FENCES, WALLS AND VISION CLEARANCE.

##### 1. General Regulations:

B. All Other Districts. Within all zoning districts, unless otherwise specified herein, fences and walls not exceeding six feet (6') in height are allowed within the limits of side and rear yards. A fence or wall, not exceeding four feet (4') in height is allowed up to the property line within the front yard setback provided the visual clearance is maintained. In no case shall a fence taller than four feet (4') be located beyond the front building line of the principal building or structure except as noted in Paragraph E of this subsection.

E. Corner Lots and Double Frontage Lots. On corner lots and double frontage lots, fences and walls not more than six feet (6') in height may be placed in a required front yard abutting a street where all the following are met:

(1) The required front yard abutting the street is used as a side yard and not as a front yard.

(2) The fence or wall maintains a minimum setback from the ultimate right-of-way of fifteen feet (15').

(3) The vision clearance area is maintained.

Staff recommendation is for denial, and it will be the duties of the Board of Adjustment to grant a variance.

Mark Williams, 1127 Maple Avenue was in attendance to answer questions and voice concerns.

Public hearing closed at 6:29 p.m.

Parker entertained a motion to approve the variance request, Thorson motioned to approve, and McGlothlin seconded. Approved 3-0

**Adjournment – 23-13**

Motion by Thorson and seconded by McGlothlin to adjourn the meeting at 6:35 p.m.

Approved 3-0

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Brent Hinders, Chairperson

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Elliot Klimowski, City Planner