

Notice of Meeting  
Polk City | Board of Adjustment  
\*\*\*\*\*

March 21, 2024 | 4:00 pm  
City Hall | Council Chambers  
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Tentative Meeting Agenda

1. Call to Order
2. Roll Call – Determination of a quorum
3. Variance Request
4. Adjournment

# CITY OF POLK CITY

## NOTICE OF BOARD OF ADJUSTMENT HEARING

**NOTICE IS HEREBY GIVEN** that the following petition requesting a variance has been filed with the Board of Adjustment of the City of Polk City, Iowa:

Name: Reid & Kelsey Petersen

Requesting a variance on the following described property:  
905 W Aspen Ridge Circle || Polk City | Iowa

The reason for the petition: Variance sought for a reduction in the required street-side-yard for the purpose of building a fence.

A Board of Adjustment Hearing on this request will be held in the Council Chambers of City Hall at 112 Third Street, Polk City, Iowa on March 21, 2025, at 4 pm. If you wish to state your views on this application, you are urged to attend the meeting or send your comments in writing to the City Clerk | PO Box 426 | Polk City | Iowa | 50226 or via email [jcoffin@polkcityia.gov](mailto:jcoffin@polkcityia.gov)

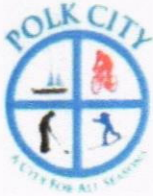
Board of Adjustment

Polk City | Iowa

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Attest: Jenny Coffin - City Clerk

Dated this 13 day of January 2023



# City of Polk City

## INSTRUCTIONS FOR REQUIRED INFORMATION

### **NO APPEAL CAN BE ACCEPTED FOR FILING UNLESS ALL OF THE REQUIRED INFORMATION IS PRESENTED**

**1. GENERAL INFORMATION.** The Polk City Board of Adjustment is empowered by Iowa Law and by ordinance to hear requests and to make decisions on said requests regarding certain appeals for variances to the Zoning Ordinance and for certain exceptions to the district regulations. The Board of Adjustment is a five-member quasi-judicial body with authority to grant variance permits in exceptional cases and is limited to such cases that are consistent with the general purpose and spirit of zoning regulations. The Board has NO authority to allow a variance that would have the effect of establishing a non-conforming use of land or to change district boundaries except as outlined in the Zoning Ordinance. The Board has NO authority to allow a variance whose effect is not on harmony with the intended spirit and purpose of the Zoning Ordinance. Specifically, the Board is limited to the powers and duties outlined in the Polk City Zoning Ordinance, 165.21 Board of Adjustment.

**2. MEETING DATES.** The Board of Adjustment meets on an as needed basis each month. Submittal of all the information does not in any way assure that the application will be placed on the next available Board of Adjustment agenda. All Board of Adjustment meetings are normally held in the Council Chambers in City Hall, 112 3rd Street, Polk City, Iowa. The meetings are open to the public. Agendas for all Board of Adjustment meetings may be obtained at City Hall.

**3. NOTE: Be sure that you have all required material submitted. Failure to do so may result in your appeal being delayed.**

**4. FILING FEE:** A filing fee is required at the time the materials are filed with the City. The fee helps cover administrative expenses and legal notification of surrounding property owners within 250 lineal feet of the property in question. The Board of Adjustment *rules* state that no appeal is to be considered filed until this fee is received. The fee for both a variance request and a special use permit is \$100, plus one set of self-addressed stamped envelopes.

**PLUS:** All additional costs incurred by the City of Polk City for review by the City Engineer and/or City Attorney; and reimbursement for the publications charges when warranted due to excessive costs, shall be reimbursed to the City of Polk City by the applicant or agent of the person who filed the site plan, or by the party who filed the petition, or his agent. Payment of said fees must be submitted with the application processing procedures. The fee is non-refundable unless the appeal is withdrawn prior to staff starting its review. City of Polk City 112 S 3<sup>rd</sup> St P.O. Box 426 Polk City, IA 50226.

**5. SITE PLAN.** The applicant must submit a site plan which clearly shows the variance that is sought. The site plan should be drawn to scale, and should be a reproducible, black line drawing or free hand drawing on a sheet of paper no larger than 11" x 17". (*Use of actual property survey is suggested but not required.*) The applicant may submit the same site plan that was submitted for a building permit.

The site plan shall include the following information: (a) property lines and dimensions; (b) abutting rights-of-way; (c) location and size of all existing and proposed property lines; (d) structures; (e) driveways and parking areas fully dimensioned; and (f) any other pertinent information necessary to fully understand the need for a variance (e.g., significant change in topography, location, and size of mature trees, etc.).

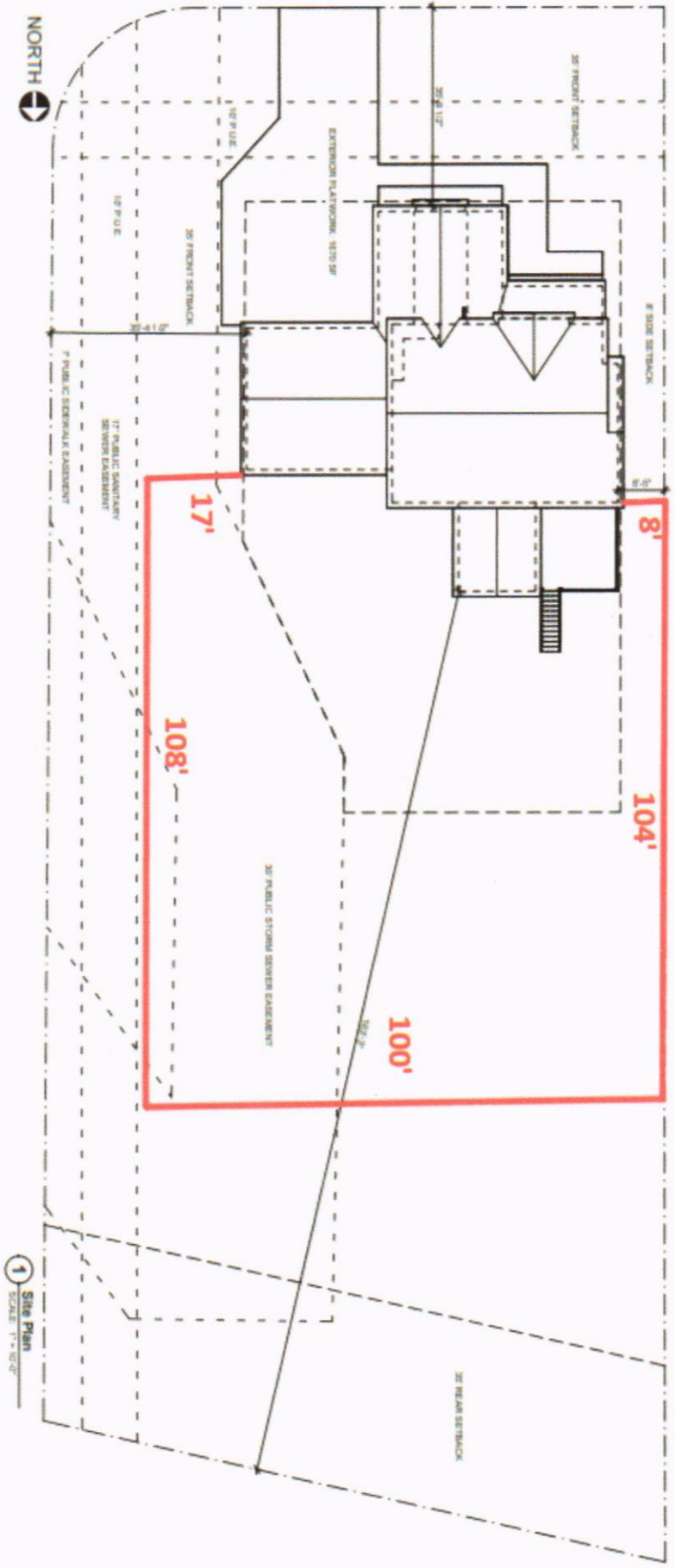
**NOTE:** If the appeal is for a sign, the appeal must be accompanied by: (a) a fully dimensioned, elevation drawing (to scale) of the sign; and (b) a fully dimensioned site plan (to scale) showing the exact location of the sign, including whether it is a free standing or a building-mounted sign.

**6. SUPPORTING INFORMATION FORM.** The Board of Adjustment may grant a variance provided that: 1) "unnecessary hardship" exists; 2) that the variance is not contrary to the public interest; and 3) that the spirit of the Zoning Ordinance is upheld. The "Supporting Information" form addresses these issues and asks for responses to each of the "tests" to grant a variance. The "Supporting Information" form must be filled out to process the application for a variance.

**7. ADDITIONAL INFORMATION.** If you have questions about this form, or should you require additional information regarding the variance process, please contact the City of Polk City at 515-984-6233 or [support@polkcityia.gov](mailto:support@polkcityia.gov)

8. This appeal cannot be processed until all required materials are submitted. In addition to this application, the following information is required to be submitted:

- a) **A site plan, drawn to scale.** This plan should not be larger than 11" x 17"; use of graph paper is highly recommended.
- b) **A completed "Support Information Form".** This form is included in this packet of information.
- c) **Legal description of the property.**
- d) **Application fee.** An application is not considered filed until the filing fee is paid.
- e) **Map and List.** List all property owners within 250 feet of the exterior dimensions of the property involved in this appeal with stamped self-addressed envelopes.



\* Proposed Fence outlined in Red To Be 5' in Height.

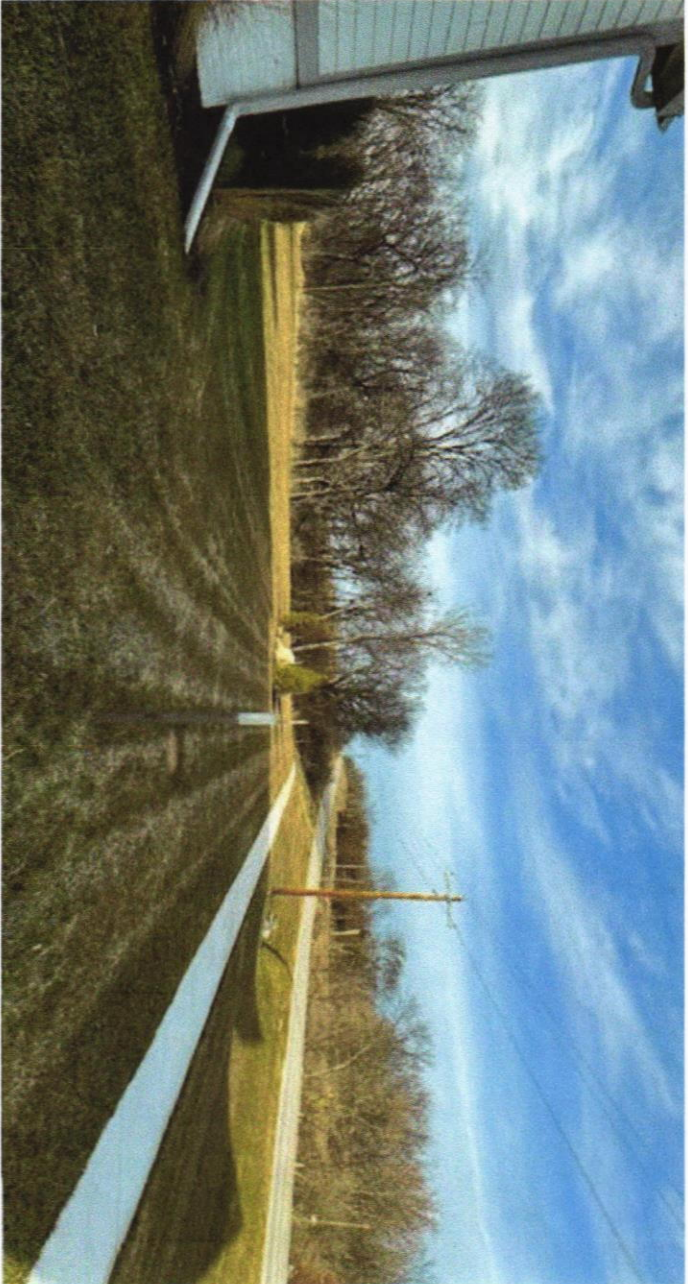
1 Site Plan  
SCALE: 1" = 10'-0"

\* PROPOSED FENCE BOUNDARY MARKED WITH TEMPORARY STAKES WITH WHITE PAINT.





\* Proposed Fence Boundary Marked with Temporary Stakes with White Paint.



A Proposed Fence Boundary Marked With Temporary Sprakes With White Paint.





\* Photos Fence Boundary Marked With Temporary Stakes With White Paint.



# City of Polk City

## BOARD OF ADJUSTMENT APPLICATION FOR VARIANCE HEARING

**For Office Use Only**

Hearing #: \_\_\_\_\_

Date of Hearing: \_\_\_\_/\_\_\_\_/\_\_\_\_

NAME OF PROPERTY OWNER Reid & Kelsey Petersen

ADDRESS OF PROPERTY 905 W Aspen Ridge Circle, Polk City, IA 50226

LEGAL DESCRIPTION LOT 1 FOUR SEASONS POLK CITY PLAT 1

Applicant is Property Owner  Tenant \_\_\_\_\_ Other \_\_\_\_\_

Property is zoned Residential Principal use of Property is Primary Residence

Have you reviewed the Board of Adjustment Information Packet? Yes  No \_\_\_\_\_

Have you talked with a City Administrative Official about your request? Yes  No \_\_\_\_\_

Is this application for:

1) Administrative Review? **165.21 (4.) A.**

To hear and decide appeals where it is alleged there is error in any order, requirement, rescission, or determination made by the Zoning Enforcement Officer in enforcement of this Chapter. **Explain in detail what is being appealed and the grounds therefore:**

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2) A Special Exemption? Section 165.21 (4.) C.

To permit exceptions to the district regulations set forth in this Ordinance subject to the requirements of this Section.

Section number for which exception is sought: \_\_\_\_\_

Grounds for exception:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3) A Variance? Section 165.21 (4.) B.

To authorize upon appeal in specific cases such Variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. **A Variance from the terms of the Zoning Ordinance shall not be granted unless and until all eight of the criteria listed in Municipal Code Section 165.21 (5.) D. are proven to be capable of being answered "yes."**

I request a variation from the current zoning requirement for: (circle one)

Front Yard    Side Yard    Rear Yard    Fence    Sign    Parking    Height

Other \_\_\_\_\_

Polk City Zoning Code Section # 165.06 SUBSECTION 1.D. which state(s) \_\_\_\_\_

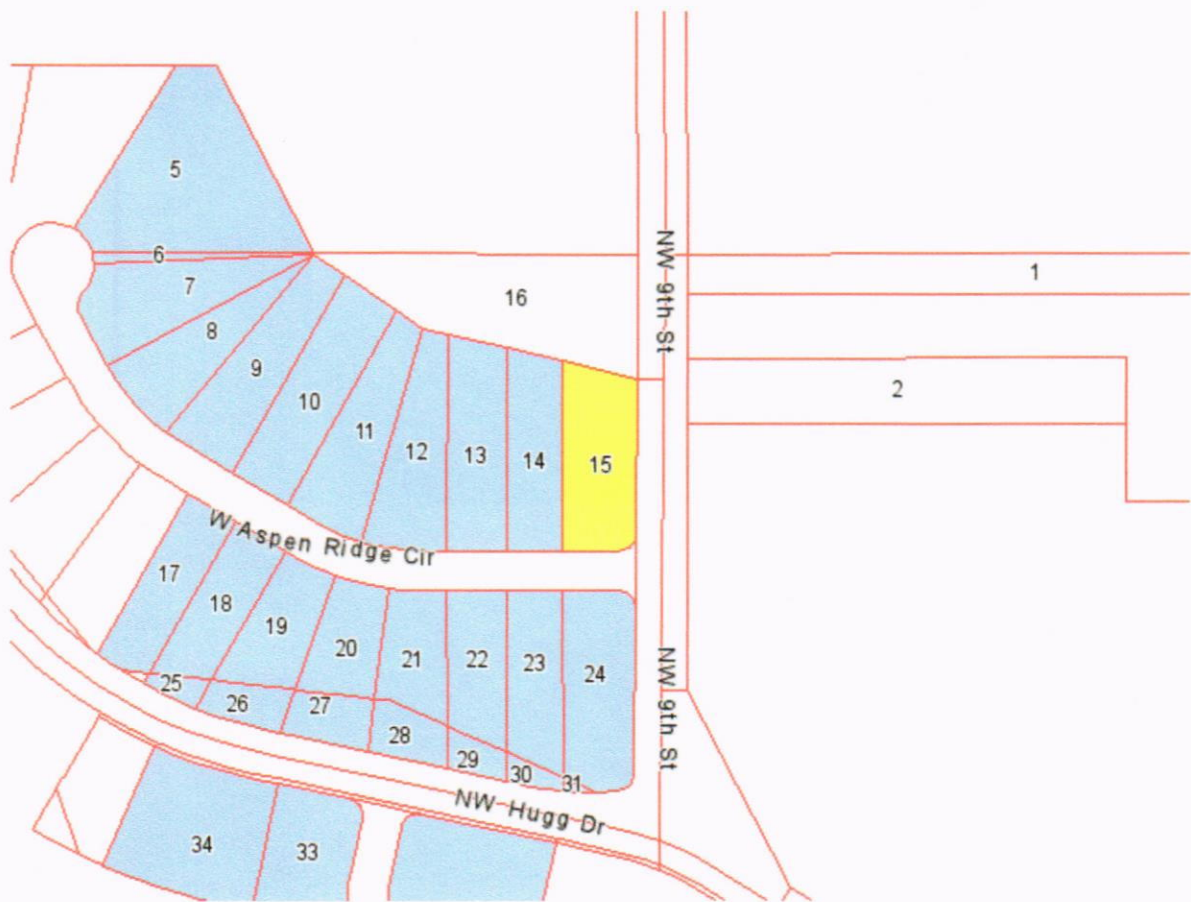
FENCES AND WALLS ... OF CORNER LOTS SHALL NOT EXCEED 42 INCHES IN HEIGHT...

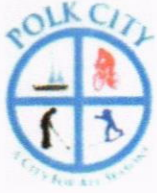
I would propose the following in lieu of that required:

APPROVE A BLACK ORNAMENTAL FENCE (LESS THAN 50% OPAQUE) IN THE SIDE  
YARD SET BACK MORE THAN 15' FROM THE PROPERTY LINE. FENCE TO BE  
5' IN HEIGHT SO AS TO NOT RESTRICT THE USE OF PROPERTY.

\_\_\_\_\_  
\_\_\_\_\_







SUPPORTING INFORMATION FORM

All the following questions must be answered. The board will use this information to review your request. Additional information may be attached if necessary.

The applicant makes the following request:

APPROVE A 5' BLACK ORNAMENTAL FENCE IN THE SIDE YARD.

Please state your hardship.

THE CORNER LOT FENCE HEIGHT RESTRICTION COUPLED WITH MULTIPLE PUBLIC STORM SEWER EASEMENTS RESTRICTS THE USABLE LAND AND POTENTIAL FENCED PORTION.

**In order to grant a variance, the Board of Adjustment must make a finding of unnecessary hardship.**

The hardship must be related to the physical aspects of the property and not a personal hardship. The granting of a variance should not merely serve as a convenience to the applicant. To support a finding of unnecessary hardship, the board must find, based upon your evidence, that all the following are met:

1. Are there limitations on the use of the property due to physical topographical and geologic features? If yes, please explain.

YES, MULTIPLE PUBLIC STORM SEWER EASEMENTS RUN THROUGH THE SIDE AND BACK YARD WHICH LIMIT PLACEMENT OF FENCE IN THE SIDE YARD.

2. Will this variance grant any special privilege to you? NO If yes, please explain.

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3. Can you demonstrate that without a variance there can be no reasonable use of the property? YES  
If yes, please explain.

LIMITING THE HEIGHT AND SIZE OF FENCE ON THE SIDE YARD  
REDUCES THE AMOUNT OF YARD THAT CAN BE FENCED. LIMITING THE  
HEIGHT INCREASES THE SAFETY CONCERN AND ABILITY TO KEEP PETS/CHILDREN  
IN THE YARD, AWAY FROM THE STREET AND REDUCES THE ABILITY TO KEEP WILDLIFE/PESONS  
OUT.

4. Is the request for a variance being based solely on economic reasons? NO If no, please explain.

LIMITING THE HEIGHT AND FENCED PORTION WOULD BE ECONOMICALLY LESS,  
AND THE REQUESTED VARIANCE WILL ACTUALLY COST MORE.

5. Is the necessity for the variance created by you? NO If so, please explain.

PUBLIC STORM SEWER EASEMENTS WERE NOT CREATED BY THE  
APPLICANTS NOR HAVE WE ALTERED THE PROPERTY TO CREATE  
NECESSITY.

6. Does the variance request the minimum variance necessary to allow reasonable use of the property? YES Please explain.

THE REQUESTED HEIGHT VARIANCE IS THE MINIMUM NECESSARY TO REASONABLY  
USE THE PROPERTY, ENSURE SAFETY, AND NOT LIMIT THE USE OF THE  
LAND.

7. Will granting the variance be injurious to the public's health, safety, or welfare? NO  
Please explain.

THE GIVEN TOPOGRAPHY OF THE LAND DOES NOT REDUCE VISIBILITY  
TO THE PUBLIC UTILIZING THE STREET (SEE ATTACHED PLOTS FOR DEMONSTRATION).

8. Does the property possess one or more unique characteristics generally not applicable to similarly situated properties? YES Please explain.

THE GIVEN TOPOGRAPHY, MULTIPLE STORM SEWER EASEMENTS, AND 30' WIDE DITCH TO  
THE STREET ON THE SIDE YARD ARE ALL CHARACTERISTICS OF THE PROPERTY  
THAT UNIQUELY SITUATES IT TO REQUEST A VARIANCE AS THE LETTER OF  
THE LAW FOR REGULATIONS OF SIDE YARD FENCE HEIGHT NEED NOT APPLY.

**Additional Comments.**

ATTACHED PHOTOS PROVIDE EXAMPLE OF PROPOSED FENCE HEIGHT (5') AND DIMENSION ON SIDE YARD.

WE BELIEVE OUR PROPERTY TO BE AN EXCEPTIONAL CASE GIVEN THE LIMITING FACTORS, TOPOGRAPHY, WIDTH OF DITCH TO THE SIDE STREET, EASEMENTS AND THE OVERALL INTENDED SPIRIT AND PURPOSE OF THE ZONING ORDINANCE FOR HEIGHT OF FENCE BE ADJUSTED.  
Have you paid your fee for appeal? Yes  No

Have you submitted a detailed site plan? Yes  No

**Applicant - In order to ensure a timely appeal and a smooth hearing, please attach any and all relevant information, documents, permits, site plans and correspondence that the Board may consider for your appeal.**

No appeal can be accepted for filing unless all the required information is presented.

Attached hereto and made a part of this appeal, I submit the following:

- a) A statement indicating the reasons for my appeal.
- b) A drawing showing proposed variance requested.
- c) A letter of authorization from the owner or lessee, if applicable.
- d) List of property owners within 250 feet together with stamped self-addressed envelopes.



AFFIDAVIT

State of Iowa            )ss  
County of Polk         )

I hereby deposit and say that all of the above statements and the statements contained in the papers submitted herewith are true.

\_\_\_\_\_  
(Signature of Applicant)

Signed and sworn to before me, this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
(Notary Public)

Office use only

Filing # \_\_\_\_\_

Scheduled Meeting Date \_\_\_\_\_

Date fee received \_\_\_\_\_

Paid: Cash \_\_\_\_\_ Check # \_\_\_\_\_

**WAIVER**

The undersigned, Petitioner for the granting of a variance or special exception to the Zoning Ordinance of the City of Polk City, Iowa for property at \_\_\_\_\_ Is fully aware that any aggrieved party may appeal to the District Court of Polk County for a review of a Polk City Board of Adjustment ruling; that such right of appeal exists for a period of thirty (30) days from the date of the Board of Adjustment decision in this matter.

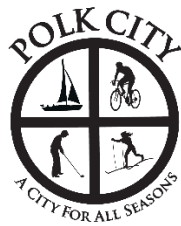
By requesting a Building Permit in the City of Polk City, Iowa, according to the terms authorized by the Polk City Board of Adjustment, the undersigned hereby waives any and all claims that they or it may have against the City of Polk City, Iowa upon the granting of a Building Permit and further agree that the undersigned will abide by any court order which results from the appeal to the above named court which may include the removal and restoration of any and all construction that may take place prior to and after a court decision regarding the subject matter of the Petition to the Polk City Board of Adjustment.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Date of Board of Adjustment Decision \_\_\_\_\_, 20\_\_\_\_

By Owner of Property at: \_\_\_\_\_

Witness: \_\_\_\_\_



Date: 2/27/2024

To: Reid Petersen

From: Cody Olson: Polk City Building Official

Re: Zoning review notes for 905 W Aspen Ridge Cir.

**Description of proposed work:** 5' tall fence to the north side (backyard & side yard) on a double frontage lot with an approximate 17' setback. With dual frontage the 5' fence would be restricted to a 35' setback or be required to be 42" in height.

**Basis for Denial:**

**165.06** General regulations

1. Fences, Walls, and Vision Clearance.

D. In any district, fences and walls not exceeding six feet in height are permitted within the limits of interior side and rear yards, with the exception of double frontage lots. Fences and walls in required rear yards of double frontage lots and in the required street side yards of corner lots shall not exceed 42 inches in height, shall be no greater than 50 percent opaque, and shall not be set back less than a distance of 15 feet from the property line, provided location does not intrude into a required buffer.

This review encompasses the City of Polk City Zoning Code requirements. As a result of non-compliance with the zoning code, no building code review was conducted. A building code review will be conducted if compliance with City zoning code is met.

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