

Board of Adjustment
Regular Meeting
July 2, 2020

Due to the COVID-19 pandemic, no public location was possible. The Board of Adjustment members and City staff participated by electronic conferencing. Members of the public were provided the below information to attend the electronic meeting:

Use the link below to join the meeting: <https://global.gotomeeting.com/join/909552165> You can also dial in using your phone. United States: +1 (571) 317-3122. Access Code: 909-552-165. New to GoToMeeting? Get the app now and be ready when your first meeting starts: <https://global.gotomeeting.com/install/909552165>

1. CALL TO ORDER/ROLL CALL

Pleasant Hill Board of Adjustment regular meeting was called to order at 5:30pm on Thursday, July 2, 2020 at the City Council Chambers by Chairperson Krell via www.gotomeeting.com. Present: LeAnne Krell, David Carroll, Elaine Casteline, and Kasey Steen. Absent: Carla Rivas.

2. APPROVAL OF AGENDA

STEEN/CASTELLINE moved to approve the agenda. Ayes: Unanimous. Motion carried.

3. APPROVAL OF MINUTES MAY 7, 2020 MEETING

CASTELLINE/STEEN moved to approve the May 7, 2020 meeting minutes. Ayes: Unanimous. Motion carried.

4. VARIANCE REQUEST

A request for a Variance under Chapter 165 Section 16 & Section 17 has been filed by Shawna Plummer for property located at 196 Becky Lynn Blvd to allow for the construction of a swimming pool and free-standing deck in the front yard of the corner that faces Cypress Drive and allow for a 54" fence to be constructed in the front yard surrounding the proposed pool and deck.

The property identified in the petition is legally identified as:
LOT 1 SOUTHRIDGE PARK PLAT 2

And locally known as:
196 Becky Lynn Blvd

Zoned:
R-2 SINGLE FAMILY ATTACHED RESIDENTIAL

FOR THE RECORD

Notice of Public Hearing was published in the Des Moines Register June 23, 2020.

CITY REPORT

Chris Widmer, Associate Planner & Stormwater Coordinator, introduced the variance request stating Shawna Plummer is proposing the construction of a swimming pool and free-standing deck in the front yard of the corner that faces Cypress Drive. Applicant is also requesting for a variance to repeal front yard fence requirements of corner lots and allow for a 54" fence to be located in the second front yard of the property facing Cypress Drive, south of the house. The fence is planned to encompass the proposed pool and deck as well as the rear and side yard of the property. Neighboring properties cited in variance application with existing pool/fence configurations as

desired by applicant were permitted and built under ordinance standards prior to the 2009 update and are legal non-conforming.

165. Title, Purpose and General Provisions.

165.16. Accessory Structures and Buildings.

1. Purpose. Accessory buildings and structures are enclosed and/or covered or walled structures that are customarily incidental and subordinate to the principal use or structure. These accessory buildings and structures include: free standing garages for automobiles, trash enclosures, sheds, play structures, gazebos, free-standing patios, pergolas, trellises, underground shelters, and above-ground and in-ground pools and hot-tubs.

3. Standards.

B. Locations and Limits.

(2). When located upon a corner lot, the front yard regulation shall apply to each street frontage and no accessory structure shall be located within either of these front yards.

165. Title, Purpose and General Provisions.

165.17. Fences and Walls.

2. Residential Corner Lots. Any yard abutting a public street shall be considered a front yard. Residential corner lots contain two (2) front yards, and any fence extending into either front yard shall be a maximum of forty-eight (48) inches in height and shall be subject to all other requirements for front yard fences.

152.05. Enclosure of Swimming Pool.

Every outdoor swimming pool shall be completely surrounded by a fence or wall not less than fifty-four (54) inches in height and at least four (4) feet from each side of the pool. Such fence or wall shall be non-climbable and shall be constructed sufficiently strong and of such structural design as to make the pool inaccessible to small children. There shall not be a distance greater than ten (10) feet between fence posts. The provisions of this section are applicable to all types of swimming pools, whether permanent or temporary in nature, if said pool is more than eighteen (18) inches in depth and the water is left in said pool more than twenty-four (24) hours.

APPELLANT

Shawna and Michael Plummer – Owners – were present to discuss the request stating their rear yard is not usable due to it being on a corner lot, frequent flooding and general wetness of the yard, numerous mature trees, and existing deck placement. Appellants discussed daughter's special needs and the necessity of a pool; impact of COVID quarantine; removal of trees to accommodate pool in rear yard is not economically feasible; and neighboring properties with similar lot configurations and existing pool/fence similar to request.

PUBLIC INPUT

None

DISCUSSION

Chairperson Krell and City Attorney discussed definition, limitations, and strict requirements for determining existence of a hardship. Board Members discussed pool and deck variance request; property configuration similar to surrounding neighborhood; other placement options; cost of tree removal not a factor of hardship consideration; existing trees and easements present at time of

purchase; and reasonable rate of return not dependent on presence of a pool.

Board Members discussed fence variance request; vision triangle definition and location in regards to proposed fence; and front yard fencing regulations and pool enclosure requirements.

MOTION

CARROLL/CASTELLINE – moved to deny appeal for a Variance Request permitting a swimming pool and freestanding deck in a front yard in a residential district. Ayes: LeAnne Krell, David Carroll, Elaine Castelline, and Kasey Steen. Nays: None. Motion passed.

STEEN/CASTELLINE - moved to deny appeal for a Variance Request permitting a 54-inch fence in a front yard in a residential district. Ayes: LeAnne Krell, David Carroll, Elaine Castelline, and Kasey Steen. Nays: None. Motion passed.

5. ADJOURNMENT

CASTELLINE/STEEN moved to adjourn. Ayes: Unanimous. Motion carried. Meeting was adjourned at 6:20 p.m.

Jennifer Bartles
Recording Secretary



**BOARD OF ADJUSTMENT
CITY OF PLEASANT HILL, IOWA
DECISION AND ORDER**

This Decision and Order of the Board of Adjustment does not constitute approval of any construction. All necessary permits must be obtained before any construction is commenced upon the Property. A Certificate of Occupancy must be obtained before any structure is occupied or reoccupied after a change of use.

Any use allowed by this Decision and Order shall not be commenced or resumed until all the requirements imposed on such use by the Zoning Ordinance and this Order have been satisfied.

The use allowed by this Order must be commenced within **18 months** or by **Board specified date**, or this Order will be void and of no further force and effect.

IN THE MATTER OF THE APPEAL FROM:

SHAWNA PLUMMER

ON PROPERTY LOCATED AT:

196 BECKY LYNN BLVD

CASE #:

BOA-07022020-01-VR

PUBLIC HEARING:

JULY 2, 2020

SUBJECT OF THE APPEAL

Proposal: Allowance of the construction of a swimming pool, deck, and 54-inch fence in an area considered part of the front yard.

Appeal(s): Variance Request permitting a swimming pool and deck in a front yard in a residential district. Variance Request permitting a 54-inch fence deck in a front yard in a residential district.

Affected City Zoning Code Sections: Chapter 165 Section 16 Article 3(B)(2); Section 17 Article 1; and Section 17 Article 3.

FINDING

It was found that a hardship, as defined in the Zoning Ordinance, was not present to grant a variance.

DECISION AND ORDER

WHEREFORE, IT IS ORDERED that the appeal for a Variance Request permitting a swimming pool and freestanding deck in a front yard in a residential district, is **denied**.

WHEREFORE, IT IS ORDERED that the appeal for a Variance Request permitting a 54-inch fence in a front yard in a residential district, is **denied**.

VOTE

The foregoing Decision and Order was adopted by a vote of 4-0 with the majority of Board members present voting in denial of both variance requests.

Signed, entered into record, and filed with the City of Pleasant Hill Community Development Department service as the office of the Board, on July 6, 2020



LeAnne Krell, Chairperson



Jennifer Bartles, Recording Secretary