

BOARD OF ZONING ADJUSTMENT MEETING

Tuesday
March 25, 2025, 8:15 A.M.

AGENDA

A. CALL TO ORDER - Chairman

B. ROLL CALL

BOARD MEMBERS: GALLES _____, MAYROSE _____, PAGELER _____,
SITZMANN _____, BROCK _____

OTHER: BERNHARDT _____, SCHIPPER _____, GOODCHILD _____

C. MINUTES

1. August 27, 2024, Minutes

D. ACTION

1. Request for variance of the Fence Height restrictions.
2. Request for a variance on the size of accessory building within an R-1 residential district as defined 167.15(2)(A)(2) of Le Mars Code of Ordinances.
3. Request for a variance on the placement of a detached accessory building, in front of the main home structure, within an R-1 residential district as defined in Chapter 167.15(2)(C)(2) of the Le Mars Code of Ordinance.

E. ADJOURNMENT

BOARD OF ZONING ADJUSTMENT

August 27, 2024

8:15 A.M.

- I. The regular meeting of the Board of Zoning Adjustment was called to order at approximately 8:15 A.M. by Bruce Brock.
- II. Roll Call: Members Present: Ruchti, Mayrose, Pauling, Sitzmann, Brock.
Members Absent: None.
Others Present: Bernhardt, Schipper, Vacura.
- III. Minutes: Pauling moved, Mayrose seconded the minutes of the May 9, 2024, meeting be approved. Ayes: All present.

1. The Board reviewed a request for variances from Alfonso Loya Jr from the literal provisions of the Le Mars Code of Ordinances, Section 167.18 – the Lot Density Restriction does not meet the current standards of the Le Mars Code of Ordinances of 7500 SF for an R-1 District single-family dwelling and a minimum lot width of 60 feet. The current lot located at 611 7th St SE is 6545 SF with the lot width being 55 feet wide.

The new home would also encroach the north property line by 1 foot reducing the rear yard setback from the required 30 feet to 29 feet and the west property line reducing the side yard setback from the required 8 feet to 5 feet.

Several neighbors voiced their concerns about the construction of a new single-family dwelling and that they did not have an opportunity to purchase the vacant lot. A few of the concerns were: 1) Will this home be owner-occupied or used as a rental? Alfonso assured everyone his family will be living in the new home. 2) Will several vehicles always be parked on the street including work vehicles? Alfonso stated his family only had personal vehicles. 3) This vacant lot has been used many times to get access to other homes' backyards to remove trees, fix utilities, pile snow on, etc. The Code Enforcement Officer stated the contractors could have entered through other areas; but they chose to enter through the vacant lot.

Clark Goodchild was present and explained he was the realtor that sold the lot. Goodchild represented the seller and had a "for sale" sign placed on the lot and the public was notified for 90 days. The lot owner (Raymond Weenink) passed away and his son, Scott Weenink, took over and asked to sell the lot. At the time of sale, it was fully disclosed verbally and in writing from the seller to any potential buyer the lot was not conforming and would require a variance.

There were 3 other properties on that block that were also granted a variance in the past. This is going to be a nice single-story home and fits into the lot.

MOTION: Pauling moved, Ruchti seconded to grant the variance request from Alfonso Loya Jr to construct a new home at 611 7th St SE and the required 7500 SF lot density be reduced to 6,545 SF and the minimum lot width of 60 ft be reduced to 55 ft wide. The required rear yard setback be reduced from 30 ft to 29 ft and the west property line reducing the side yard setback from 8 ft to 5 ft be approved. Ayes: All present.

- IV. Adjournment: Mayrose moved, Sitzmann seconded the meeting be adjourned at 9:11 A.M.

Bruce Brock

CITY OF LE MARS, IOWA

Action	REQUEST FOR ACTION	Date: 3/25/25
	Description: Mike & Cheryl Wells, Plymouth County EMA Requests	Item No. D-1,D-2,D3

Information:

D-1: Request a variance from the Board of Zoning Adjustments from the fence height restriction from 6 feet to 8 feet with all Columns set to a height of 9 feet.

D-2: Request for a variance on the size of accessory building within an R-1 residential district as defined 167.15(2)(A)(2) of Le Mars Code of Ordinances.

D-3: Request for a variance on the placement of a detached accessory building, in front of the main home structure, within an R-1 residential district as defined in Chapter 167.15(2)(C)(2) of the Le Mars Code of Ordinances.

Staff Comments:

D1: The property located at 121 22nd St SE is located in a R-1 residential district, the current code only allows fence heights up to 6 feet tall to be erected on the property. Code 167.15(4)(D)(2). Mike is asking to build his fencing to a height of 8 feet with columns set to 9 feet.

Motion to **(Grant or Deny)** Mike Wells's request for a variance from the literal provisions of Le Mars Code of Ordinance Chapter 167.15(4)(D)(2).

D2: Mike is requesting that an accessory building be built on the northwest corner of his property. The building that Mike would like to build would be 60' x 43', 2580 sq. ft. Le Mars Code of Ordinance Chapter 167.15(2)(A)(2) allows for a maximum 1500 sq. ft. accessory building on residential property. Therefore, Mike is requesting a variance from the literal provisions of Chapter 167.15(2)(A)(2) to increase the size of an accessory building from 1500 sq. ft. to 2580 sq. ft, an increase of 1080 sq. ft. from the provisions of Le Mars Code of Ordinance.

Motion to **(Grant or Deny)** Mike Wells's request for a variance from the literal provisions of Le Mars Code of Ordinance Chapter 167.15(2)(A)(2) to increase the size of an accessory building from 1500 sq. ft to 2580 sq. ft. at 121 22nd St SE.

D3: Le Mars Code of Ordinance Chapter 167.15(2)(C)(2) states that no accessory building may be erected in front of a main building unless the accessory building is attached to the main building by a common wall. While currently the home and potential accessory building are not technically on a corner lot, the current preliminary plat that has been passed by The Board of Planning and Zoning shows it will be a corner lot in the very near future. The Le Mars Code of Ordinances 167.15 (2)(C)(2) states that accessory buildings cannot be placed in front of the main structure.

Motion to **(Grant or Deny)** Mike Wells's request for a variance from the literal provisions of Le Mars Code of Ordinance Chapter 167.15(2)(C)(2) to place an accessory building in front of the main home at 121 22nd St SE.

Staff Recommendations: City Staff does not object to the granting of any of the above-stated variance requests.

E. Adjournment

OFFICIAL NOTICE

All persons are hereby notified that a regular meeting of the Board of Zoning Adjustment will meet on **Tuesday, March 25, 2025, at 8:15 A.M.** in the Council Chambers at City Hall, 40 Central Avenue S.E. Le Mars, Iowa, for a hearing on the following request:

A request by Mike & Cheryl Wells, for a variance from the literal provisions of the Code of Ordinances, for a fence height exceeding the allowable code. Section 167.15 (2)(A)(2), of the accessory building sq. ft restrictions within an R-1 district. And 167.15(2)(C)(2) for the placement of an accessory building in front of the main building in an R-1 district.

The address and Legal Description are as follows: 121 22nd St SE (parcel ID 12-21-477-066)

Legal Description: LOT 1 MAJESTIC VIEW ADDITION LE MARS.

Said Board will take up any other business as may appropriately come before it at that time.

Jan Feller, City Clerk

March 17, 2025

Neighbors of **121 22nd St SE**

Mike & Cheryl Wells have requested a variance from the Board of Zoning Adjustments.

D-1: Request for a variance of the Fence Height restrictions from 6ft to 8ft, The Le Mars Code of Ordinance requires all fencing in the R-1 Residential district not to exceed 6ft tall.

D-2: Request for a variance on the size of accessory building within an R-1 residential district as defined 167.15(2)(A)(2) of Le Mars Code of Ordinances.

D-3: Request for a variance on the placement of a detached accessory building, in front of the main home structure, within an R-1 residential district as defined. in Chapter 167.15(2)(C)(2) of the Le Mars Code of Ordinance.

You are being notified of the Board of Zoning Adjustment meeting because you have property within 200 ft of **121 22nd St SE** the meeting will be held on **March 25, 2025, at 8:15 AM** in the council chambers at City Hall, 40 Central Ave SE. You are not required to attend but may express any concerns about this request.

Sincerely;

Lucas Bernhardt
Code Enforcement/Building Official
City of Le Mars
712-548-4972

W

13.74 Ac

Future 1st Ave SE

12th 22nd St SE

121 22nd St SE

5.58 Ac

0.32 Ac

SPRUCE CIR

S

0.33 Ac

0.34 Ac

EDAR CIR

4.47 Ac

0.34 Ac

0.4 Ac

SE GYPRESS CIR

1.09 Ac

SE 22 ST

0.35 Ac

0.42 Ac

POWERED BY
esr

W ↑

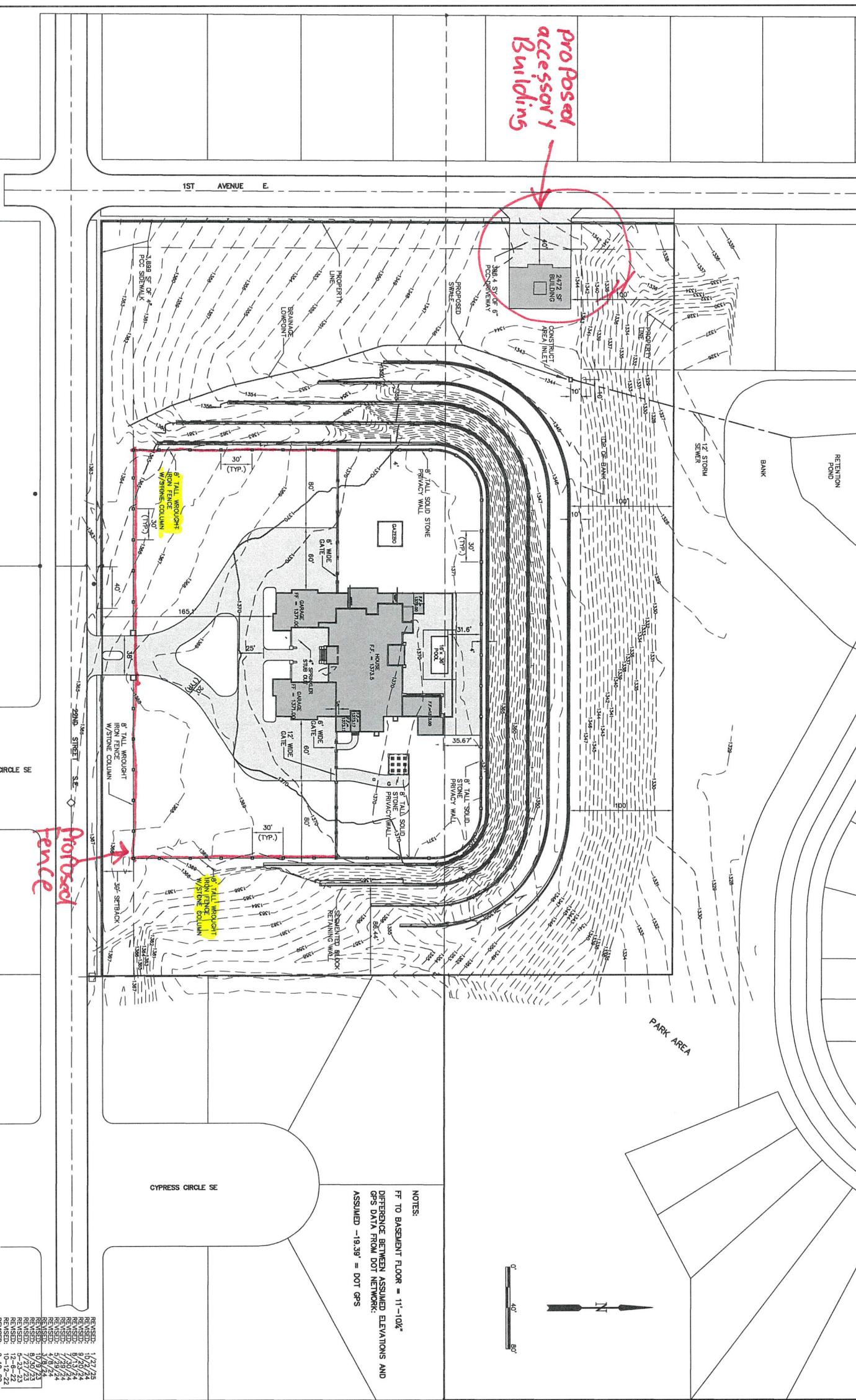
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407



Proposed Accessory Building

Proposed Fence

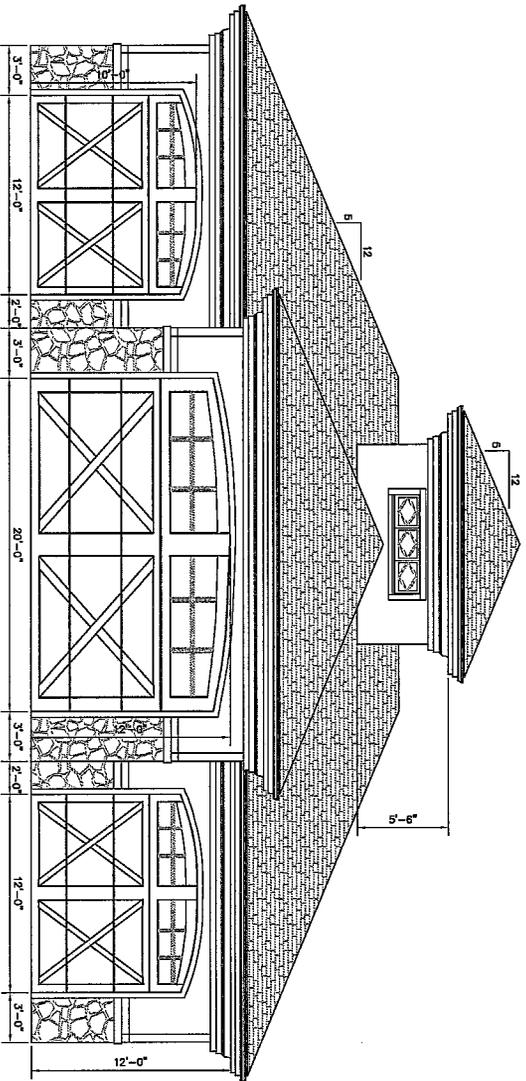
NOTES:
 FF TO BASEMENT FLOOR = 11'-10 1/2"
 DIFFERENCE BETWEEN ASSUMED ELEVATIONS AND
 GPS DATA FROM DOT NETWORK:
 ASSUMED -19.39' = DOT GPS

REVISION:	1/27/25
REVISION:	9/20/24
REVISION:	9/13/24
REVISION:	7/25/24
REVISION:	7/25/24
REVISION:	7/25/24
REVISION:	4/8/24
REVISION:	1/9/24
REVISION:	9/20/23
REVISION:	7/27/23
REVISION:	12-8-22
REVISION:	10-12-22
REVISION:	9-19-22

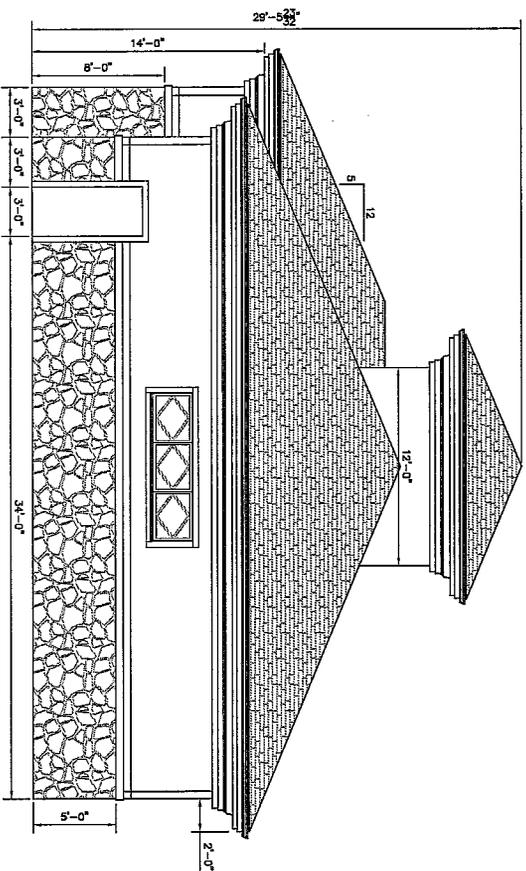
SCHLOTFELDT ENGINEERING, INC.
 650 12th STREET SW, P.O. BOX 808
 LE MAR, IOWA 51031

PROJECT: PROPOSED SITE PLAN
 CLIENT: MIKE & CHERYL WELLS HOUSE

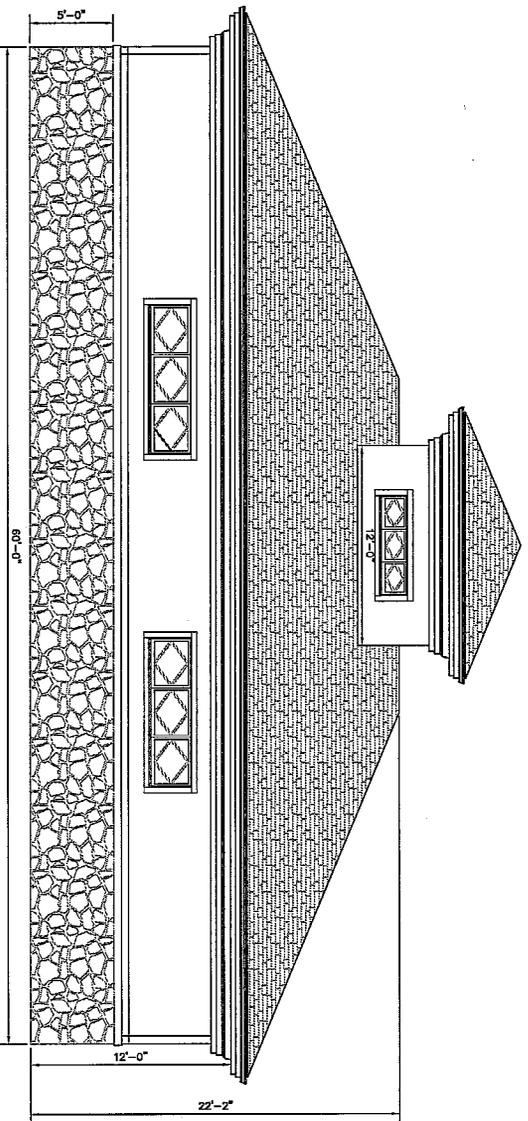
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 DATE PLOTTED: [blank]



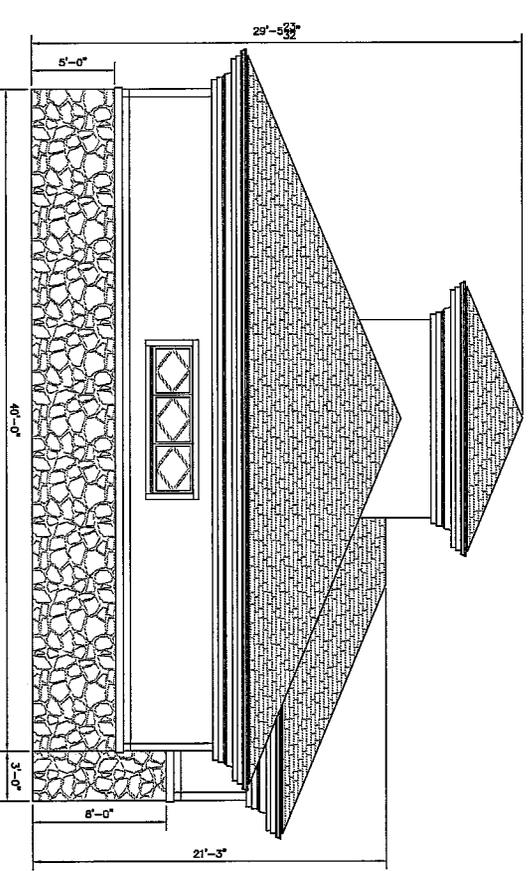
WEST ELEVATION
SCALE 1/4" = 1'-0"



SOUTH ELEVATION
SCALE 1/4" = 1'-0"



EAST ELEVATION
SCALE 1/4" = 1'-0"



NORTH ELEVATION
SCALE 1/4" = 1'-0"

E:\land Projects\LUMMELLS 22 Magnolia View HOUSE\Gen\Magnolia View Utility Building.dwg 11/29/2024 11:22:22 AM CST

SCHLOTFELDT ENGINEERING, INC.	
660 12th STREET SW P.O. BOX 808 LE MAR, IOWA 50201	
DESIGNED BY	MAJESTIC VIEW
CHECKED BY	UTILITY BUILDING ELEVATIONS
DRAWN BY	
DATE	
PROJECT NO.	

