

Board of Adjustment
January 15, 2025
City Council Chambers, 360 N Main Street

Members: Laura Hefley
Aly Metzger
Janet Norton
Eric Ruttum
Alan Wieskamp

- 1. Roll Call:** The meeting was called to order by Chairperson Ruttum at 6:30 p.m. Members personally present were: Hefley, Ruttum and Wieskamp. Norton was present electronically. Metzger was absent.

Staff present: Planning Director Ryan Rusnak and City Attorney Grant Lientz

Others present: Appellants Christopher and Ashleigh Dawley were personally present.

- 2. Approval of the Agenda.** Motion by Wieskamp, second by Hefley to approve the agenda. Vote to approve was 4-0.

- 3. Public comment.** There was none.

- 4. Appeal of Administrative Decision:** Request of Christopher and Ashleigh Dawley at 2292 N Highway 965 to appeal an administrative decision by the Code Official that canvas structures adjacent to a property line are subject to the fence regulations contained in Section 167.04 of the North Liberty Code of Ordinances.

Ruttum read the item into the record.

The Board received procedural guidance throughout the hearing from City Attorney Grant Lientz.

Ryan Rusnak provided the staff presentation and background material for the request.

Ashleigh Dawley provided the appellant statement and provided testimony of why the Code Official's decision should be overturned.

Rusnak provided the staff statement and provided testimony on why the Code Official's Decision should be upheld.

Findings of Fact and Staff Recommendation:

1. In accordance with Section 167.01 of the North Liberty Code of Ordinances, "Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, copyright 1986, shall be considered as providing ordinarily accepted meanings.
2. In accordance with Webster's Third New International Dictionary of the English Language, Unabridged, copyright 1986 the relevant definition for fence is "a barrier enclosing or bordering a field, yard, etc., usually made of posts and wire or wood, used prevent entrance, to confine, or to mark a boundary";
3. Canvas structures erected adjacent to property lines is consistent with the definition of a fence because it acts is a barrier enclosing or bordering a field, yard, etc.;
4. The canvas structures erected are subject to the fence regulations contained in Section 167.04 of the North Liberty Code of Ordinances.

Dawley provided a rebuttal.

There was Board discussion and deliberation.

Each finding was voted on separately.

1. In accordance with Section 167.01 of the North Liberty Code of Ordinances, "Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, copyright 1986, shall be considered as providing ordinarily accepted meanings.

Norton moved to accept finding 1, second by Wieskamp.

Roll call vote: Wieskamp, Heffley, Norton, Ruttum Vote to approve was 4-0.

2. In accordance with Webster's Third New International Dictionary of the English Language, Unabridged, copyright 1986 the relevant definition for fence is "a barrier enclosing or bordering a field, yard, etc., usually made of posts and wire or wood, used prevent entrance, to confine, or to mark a boundary";

Norton moved to accept finding 2, second by Wieskamp.

Roll call vote: Heffley, Norton, Ruttum Wieskamp. Vote to approve was 4-0.

3. Canvas structures erected adjacent to property lines is consistent with the definition of a fence because it acts is a barrier enclosing or bordering a field, yard, etc.;

Norton moved to accept finding 3, second by Wieskamp

Roll call vote: Norton, Ruttum Wieskamp Heffley. Vote to approve was 4-0.

4. The canvas structures erected are subject to the fence regulations contained in Section 167.04 of the North Liberty Code of Ordinances.

Ruttum moved to accept finding 4, second by Wieskamp

Roll call vote: Ruttum, Wieskamp Heffley. Norton,

Moved by Ruttum, second by Norton to affirm the Code Officials interpretation

Roll call vote: Wieskamp Heffley. Norton, Ruttum, Vote to approve was 4-0.

5. **Approval of Previous Minutes.** Motion by Wieskamp, second by Heffley to approve the previous minutes. Vote to approve was 4-0, with all members present voting in the affirmative.

6. **Old Business.** There was none.

7. **New Business.** There was none.

8. **Adjournment.** The Chairperson declared the meeting adjourned at 8:05 PM.