HIAWATHA BOARD OF ADJUSTMENT MINUTES
REGULAR SCHEDULED MEETING
October 9, 2017

The Hiawatha Board of Adjustment met in regular session on October 9, 2017. Chair, Dick Whitmore called the meeting to order at 6:00 p.m. Members present: Steve Dodson and David Mathews. Members Absent: Christina Goodman. Staff present: Community Development Director, Pat Parsley, Assistant Building Official, Jim Fisher, City Attorney, Mark Parmenter. Guests in Attendance: City Administrator, Kim Downs, Mayor, Bill Bennett, Attorney, Robert Hatala, Kenny Jones, Aime Wichtendahl, Brent and Kristine Sorenson.

Board Member David Matthews moved to approve the agenda, second by Steve Dodson. Motion carried.

Board Member Steve Dodson moved to approve the August 14, 2017 minutes, second by David Matthews. Motion carried.

PUBLIC HEARING- Consideration of an appeal from Brent Sorenson regarding the interpretation of Chapter 55.05, 165.96 (12) and 165.16 (3) as it applies to keeping ducks in an R-3 Zone.

Public Hearing Opened At 6:02 p.m.

Dick Whitmore asked if the applicant of the appeal would like to speak.

Brent Sorenson addressed the Board. He explained that he has anxiety the ducks bring him comfort. He also wanted to talk about rezoning his home to allow the ducks.

Pat Parsley explained to the Board that they were only there to decide the interpretation of the code. He went on to say that the Sorenson's have an opportunity to explore other options, but not at this meeting.

Kristine Sorenson addressed the Board. She explained that the ducks are pets. They are water fowl, not poultry and they are not used for food or reproduction. She added that they have had them for five years and they have never been an issue.

Steve Dodson asked what kind of ducks they were. Kristine Sorenson explained they were domestic ducks.

Steve then asked if they were brought in the house in the winter. Kristine Sorenson explained they stayed outside in a modified shed and a dog run covered in tarps.

Dick Whitmore asked if Pat Parsley would like to comment on his side of the interpretation.

Pat Parsley explained that ducks are considered water fowl when they are wild and poultry when kept in captivity. He went on to explain that the code is very specific as to where poultry/livestock animals are permitted within City limits. In this case, because the code states that a minimum of 3

acres of land is needed to house poultry/livestock and the Sorenson's lot is .21acres, poultry/livestock would not be allowed.

Pat Parsley added that in the past, urban farming was addressed and was not allowed within the city.

Robert Hatala asked Kristine Sorenson if they owned or rented the property. Kristine Sorenson stated that she owned. He then asked what the property was zoned. Pat Parsley replied it is R-3. Robert Hatala then asked how big the property would have to be. Pat Parsley stated that it would require 3 acres. He had no further questions.

Dick Whitmore asked if there was anything anyone would like to add. There were no further comments.

Public Hearing Closed At 6:12 p.m.

Dick Whitmore asked if there was anything the Board would like to add. There were no comments.

Board Member, Dave Matthews moved to approve the Appeal request from Brent Sorenson regarding the interpretation of Chapter 55.05, 165.96 (12) and 165.16 (3) as it applies to keeping ducks in an R-3 Zone. Second by Dick Whitmore.

Roll call vote:
AYES: STEVE DODSON AND DAVID MATTHEWS.
NAYS: DICK WHITMORE
ABSENT: CHRISTINA GOODMAN
DENIED

Bret Sorenson addressed the Board. There was a short discussion and he asked that they reconsider. Chair, Dave Matthews explained that they are there to decide if the code interpretation is correct.

There being no other business Chair, Dick Whitmore adjourned the meeting at 6:14p.m.

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Dick Whitmore, Chair

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Date Signed

ATTEST:

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Jennifer Goerg, Community Development Clerk