



**AGENDA**  
**REGULAR MEETING OF THE**  
**WINDSOR HEIGHTS BOARD OF ADJUSTMENT**  
**Wednesday, November 10, 2021 - 5:30 PM**  
**Via Zoom**

**Meeting ID: 845 3118 7502 | Passcode: 287311 | 312 626 6799**

1. **Call to Order/Roll Call**
2. **Approval of Agenda**
3. **Public Hearing on the Appeal of a Zoning Decision and Variance Request from Ajsa and Irfan Dedic - 1200 64th Street**
  - A. Appeal from a Zoning Administrator Decision and Variance to Reconstruct a Fence
4. **Consideration of Appeal of a Zoning Administrator Decision and Variance Request from Ajsa and Irfan Dedic - 1200 64th Street**
5. **Adjourn**

The agenda was posted on the official bulletin boards, posted to [www.windsorheights.org](http://www.windsorheights.org), and city social media platforms in compliance with the requirements of city ordinances and the open meetings law.



# City of Windsor Heights

www.windsorheights.org

1145 66th Street, Suite 1 • Windsor Heights, Iowa 50324 • 515-279-3662 • Fax 515-279-3664

**WINDSOR  
HEIGHTS**  
the heart of it all

## APPEAL FROM A ZONING ADMINISTRATOR DECISION

Date of Submission: 10/18/2021 Fee Amount: \$200 Application No. \_\_\_\_\_

Appeals to the Windsor Heights Board of Adjustment may be taken by any person aggrieved, or by any officer, department, or board of the City affected by any decision of the Zoning Administrator. Such appeal shall be taken within 30 days of the decision of the Zoning Administrator.

**Photos and Exhibits.** Materials submitted with the application or presented as evidence during the public hearing will not be returned and must be kept as part of the public record.

The application below must be filled out completely. Failure to do so will result in a delay in accepting your appeal until the application is complete. Supporting information (sufficient facts must be presented to support the appellant's position).

The Board of Adjustment conducts a public hearing and makes the final decision, based on standards in the Ordinance. The Board meets on the third Wednesday of each month at 5:30 p.m. in the City Council Chambers.

**Notification.** The City will mail a notice to all property owners within 200 feet of the property that an appeal for an Appeal from a Zoning Administrator Decision has been filed. This notification is done so that concerned individuals will have an opportunity to learn about what is being proposed and can present information on this matter to the Board of Adjustment.

Property Address for this appeal application: 1200 64th ST. WINDSOR HEIGHTS, IA 50324  
Legal Description (attach if lengthy): -EX BEG SE COR THIN W 120.03F TO SW COR NB. 41F E 120.03 F TO E LN 8.31 F TO POB - LT 1 ELMCREST

(We) the undersigned, do hereby respectfully appeal to the Windsor Heights Board of Adjustment alleging that an error has been made or appealing a decision of enforcing in connection with (attach if sufficient space is not provided). please see attached documents.

Property Owner: Ajisa Dedic and Irfan Dedic

Business: N/A

Address: 1200 64th St Windsor Heights, IA 50324

Phone & Email: (515) 277-0169 / (515) 991-6104

Applicant: Ajisa Dedic

Business: N/A

Address: 1200 64th St Windsor Heights, IA 50324

Phone & Email: (515) 277-0169 / (515) 991-6104

The Board of Adjustment may grant an appeal, provided the Board finds that there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of Iowa Code, Chapter 414 or of any ordinance adopted pursuant thereto. This appeal will not be granted unless sufficient facts are presented in this application and at the Board of Adjustment hearing to support a position finding by the Board.

Concurrence with this appeal by the Board of Adjustment in no way absolves the applicant from subsequently obtaining the necessary building permits or other permits from the City of Windsor Heights or from any other applicable agency.

(We) certify that I (we) and (are) familiar with all applicable ordinances and codes and I (we) have submitted all the necessary information to the fully understand this appeal.

signed by: Ajisa Dedic  
(Property Owner(s))

Date: October 10, 2021

Ajisa Dedic  
Print Name

**Note: No other signature may be substituted for the Property Owner's Signature)**

# APPEAL FROM A DECISION OF THE ZONING ADMINISTRATOR

## *Supporting Information*

*(This form must be filled out completely before your application will be accepted.)*

As provided by Section 414.12 of the Iowa Code, Section 177.10 (1) of the Windsor Heights Zoning Ordinance grants power to the Board of Adjustment to hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of the Zoning Ordinance.

In order to facilitate review of this application for an appeal the appellant must provide sufficient facts to support the appellant's position.

Note: This section can be submitted electronically.)

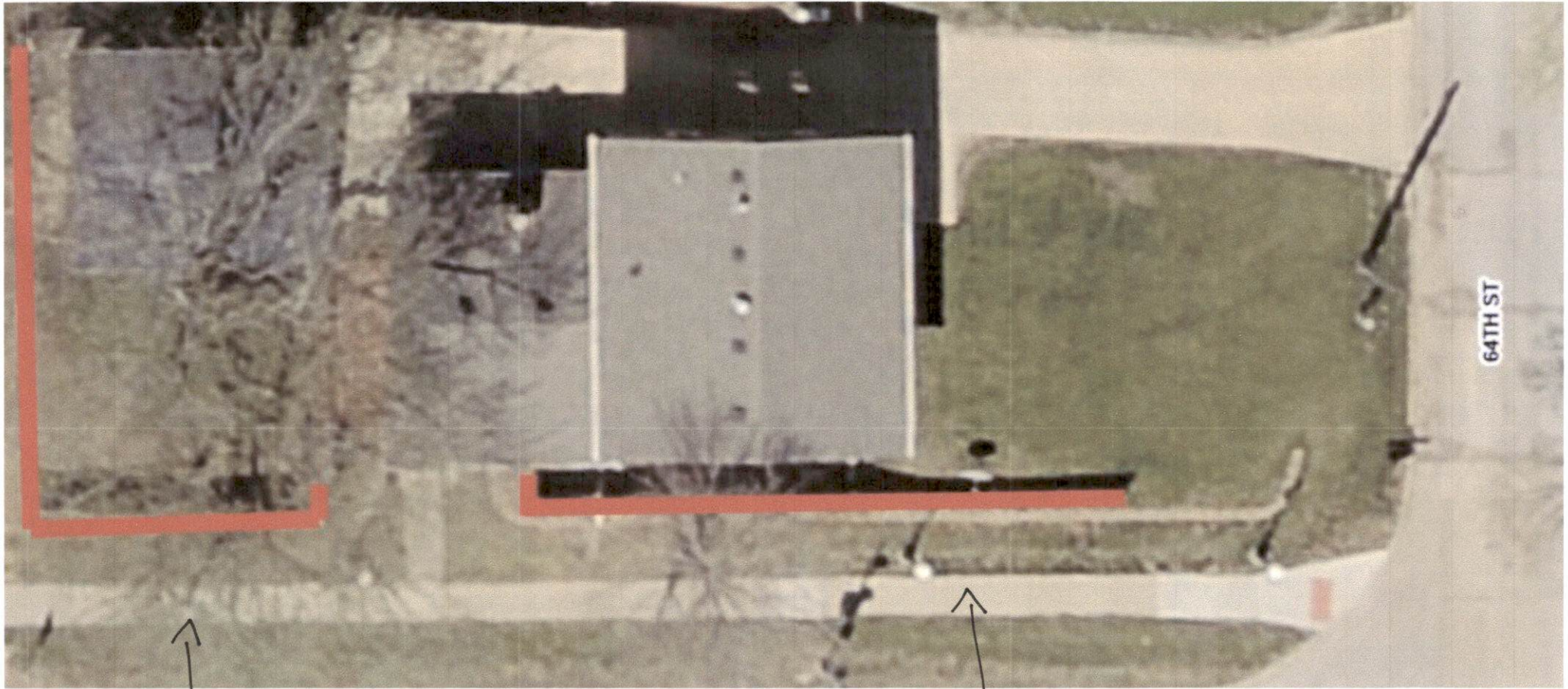
(please see attached documentation)

**On October 12, 2021, the fence permit application for 1200 64<sup>th</sup> St. was denied as the existing fence did not comply with current fence ordinance. The current fence was built prior to the purchase of the home in 2002 and was “grandfathered” into the current ordinance. We believe the fence was built prior to the expansion of University Ave.**

**The ordinance allows for existing noncompliant fenced to be maintained and repaired, however, the fence in the backyard was damaged and was leaning significantly. Due to this, this section of the fence was taken down and the fence permit application was submitted. In review of the permit, we have been told because this portion of the fence was removed, it is no longer in compliance as it is more than 50% of the fence.**

**We ask that the permit be reviewed and an exception be approved to replace the entire, damaged fence due to the following reasons:**

- The fence is located along the University Corridor and the leaning fence that was removed was due to safety reasons. The entire side length of the fence sits along a retaining wall along the sidewalk on University Avenue. I, as the homeowner, felt it was my responsibility to remove the section of damaged fence to prevent it from falling or blocking the sidewalk.**
- The current setback requirements do not allow the ability for a fence to be placed due to the distance between University Avenue and my home. I am asking that this be taken into consideration as this corner lot has been adjusted due to the city’s decision to make changes to University Avenue.**
- The fence provided privacy and safety as my home sits along University Avenue. I am unable to have either of these without the fence being reinstalled, this is causing a hardship for myself and my family.**



The backyard portion  
of fence was removed  
and permit was submitted  
and denied.

The front yard  
fence remains at  
this time.