

BOARD OF ADJUSTMENT MEETING MINUTES

BOA_AF_06-05-2019

Chairperson Pfannkuch called to order the June 5, 2019, regularly scheduled meeting of the Board of Adjustment at 5:30 p.m. in the City Council Chambers, West Des Moines City Hall, located at 4200 Mills Civic Parkway, in West Des Moines, Iowa.

Roll Call: Blaser, Christiansen, Cunningham, Pfannkuch.....Present

Stevens.....Absent

Item 1 – Consent Agenda

Item 1a – Minutes of May 15, 2019

Chairperson Pfannkuch asked for any questions or modifications to the meeting minutes of May 15, 2019.

Moved by Board member Blaser, seconded by Board member Christiansen, the May 15, 2019 meeting minutes are approved as presented.

Vote: Blaser, Christiansen, Pfannkuch.....Yes

Stevens.....Absent

Cunningham.....Abstain

Motion carried.

Item 2 – Old Business

There were no Old Business items reported.

Item 3 – Public Hearings

Item 3a – Yoga 6, 140 Jordan Creek Parkway, Suite 130 – Land use review to allow SIC 7991, Physical Fitness Facilities within a tenant space - PC-004308-2019

Chairperson Pfannkuch opened the public hearing and asked the Recording Secretary to state when the public hearing notice was published. The Recording Secretary stated that the notice was published on May 18, 2019, in the Des Moines Register.

Moved by Board member Cunningham, seconded by Board member Christiansen, the Board of Adjustment accepted and made a part of the record all testimony and documents received at this public hearing.

Vote: Blaser, Christiansen, Cunningham, Pfannkuch.....Yes

Stevens.....Absent

Motion carried.

Andy Hodges, Signature Real Estate Services, 9500 University Avenue, West Des Moines, Iowa, representing the applicant, Bridgewood Square, LLC, highlighted the project noting that the project is proposed to be a full service yoga studio located within the Bridgewood Square development. They will be occupying suite 130, which is approximately 2, 240 square feet. They anticipate opening later this fall. He noted that other tenants include the CycleBar and Club Pilates, both which also needed to obtain Permitted Conditional Use permits from the City.

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Chairperson Pfankuch asked if anyone from the audience wished to speak. Seeing none, closed the public hearing and asked for Staff’s comments.

Brian Portz, Development Services Planner, commented that staff did include a condition regarding amplified music, as they had done with the Club Pilates and CycleBar businesses, in that they are not allowed to have outdoor amplified music that can be heard outdoors.

Board Member Cunningham asked if any issues existed with this location having outdoor sound.

Planner Portz responded that although there haven’t been any issues with sound, staff preferred to stay ahead of the issue with the proposed condition of approval.

Chairperson Pfankuch asked for continued discussion or a motion and a second for this item.

Moved by Board Member Cunningham, seconded by Board Member Christiansen, the Board of Adjustment adopted a resolution to approve the Permitted Conditional Use Permit.

Vote: Blaser, Christiansen, Cunningham, Pfankuch.....Yes
Stevens.....Absent
Motion carried.

Item 4 – New Business

Item 4a – Arnold Variance Extension, 200 39th Street – Approval of Extension for Temporary Variance John and Robin Arnold – VAR-003488-2017

John Arnold, 200 39th Street, West Des Moines, owner of the property explained that they had been approved a temporary variance for two (2) years to exceed the maximum square footage for accessory structures to construct a garage that exceeded the 1,000 sq. ft. requirement. Two (2) of the previously existing structures have been removed and a third structure is about 75 percent removed. A fourth structure and the corncrib still exist. Finishing the work has been taking longer than expected, so they are requesting a four-month extension to complete it.

Board member Christiansen asked if they were performing the work themselves, to which Mr. Arnold replied affirmatively.

Board member Cunningham inquired as to why the project was taking a long time to complete.

Mr. Arnold responded that the buildings were full of items from the previous owners and they are in the process of removing them and then demolishing the buildings.

Chairperson Pfankuch asked if anyone from the audience wished to speak. Seeing none, asked for Staff’s comments.

Planner Kara Tragesser, Development Services, commented that she has no additional information to provide and that staff is in support of the applicant’s request for a four-month extension.

Chairperson Pfankuch asked if the project were not completed during the four-month extension, what would the ramifications be.

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Planner Tragesser replied that the applicant has kept in touch with staff when they near deadlines. If they do not meet the extended deadline, then an enforcement officer would be made aware of the situation.

Chairperson Pfannkuch inquired if staff was comfortable with the applicant’s extension deadline, to which Planner Tragesser responded affirmatively.

Board member Cunningham raised concern with a precedent being set and he understands that in this situation there are extenuating circumstances, but he would like to see that this is the only extension that they are given.

Chairperson Pfannkuch clarified with the applicant that they are comfortable with the October 31st deadline that they proposed to finish the project. Mr. Arnold responded affirmatively.

Chairperson Pfannkuch asked for continued discussion or a motion and a second for this item.

Moved by Board Member Blaser, seconded by Board Member Cunningham,, the Board of Adjustment approved the extension for a temporary variance.

Vote: Blaser, Christiansen, Cunningham, Pfannkuch.....Yes
Stevens.....Absent

Motion carried.

Item 5 – Staff Reports

Jamie Kennedy, Development Services Intern, briefly introduced himself to the Board members.

Sean Griffin, Development Services Intern, briefly introduced himself to the Board members.

Item 5a – BOA Presenting Tips

Linda Schemmel, Development Coordinator, explained that staff has been aware that the level of presentations to the boards/commissions has decreased so they thought it might be appropriate to provide some tips and guidelines regarding presentations and meeting guidelines for making an informed decision. Ms. Schemmel reviewed with the Board members the handouts for ‘Public Meeting Presentation Hints & Tips’ and ‘Board of Adjustment Meeting Guide.

Board member Christiansen asked if these handouts were strictly for the petitioner.

Development Coordinator Schemmel answered that the meeting guide could be used by people coming in as well as by applicants and consultants. This information will be offered through the website, as provided to the consultant after the meeting, as well as, on a trial basis, placed on the table with the other documents at the meeting.

Board member Christiansen suggested if the handout could be placed on the monitor prior to the beginning of a meeting, to which Ms. Schemmel responded affirmatively.

Development Coordinator Schemmel continued that they are working with consultants to have them provide to the boards/commissions information that is effective and informative.

Chairperson Pfannkuch asked Development Coordinator Schemmel to provide additional detail regarding the ‘Presentation’ handout. Development Coordinator Schemmel briefly reviewed the specifics of how to give a presentation to board and commission members.

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Board member Christiansen suggested that a note be made on the handout that a Board of Adjustment member is on a volunteer basis.

Item 5b – Next Meeting Date

The Recording Secretary stated that the next Board of Adjustment is scheduled for June 19, 2019.

Item 6 – Adjournment

Chairperson Pfannkuch asked for a motion to adjourn the meeting.

Moved by Board Member Christiansen, seconded by Board Member Cunningham,, the Board of Adjustment meeting adjourns.

Chairperson Pfannkuch adjourned the meeting at 5:46 p.m.

Angie Pfannkuch, Chairperson
Board of Adjustment

Michelle Riesenberg, Recording Secretary