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Chairperson Blaser called to order the October 4, 2017, 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, Celsi, Christiansen, Cunningham.....Present
Pfannkuch.....Absent

Item 1 – Consent Agenda

Item 1a – Minutes of July 26, 2017

Moved by Board Member Celsi; seconded by Board Member Christiansen, to approve the July 26, 2017 meeting minutes.

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

Item 1b – Minutes of September 6, 2017

Moved by Board Member Christiansen; seconded by Board Member Cunningham, to approve the September 6, 2017 meeting minutes.

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

Chairman Blaser read the opening Statement.

Item 2 – Old Business

There were no Old Business items reported.

Item 3 – Public Hearings

Item 3a – AAA Storage, 6340 Stagecoach Drive – Land use review to allow SIC 4225, Self-service storage facility – interior unit access with no outside storage yard in a Regional Commercial District – Brian J. and Lori J. Denton – PC-003612-2017

Chairperson Blaser opened the public hearing and asked the Recording Secretary to state when the public hearing notice was published. The Recording Secretary indicated that the notice was published on September 15, 2017, in the Des Moines Register.

Chairperson Blaser then asked for a motion to accept and make a part of the record all testimony and all other documents received at this public hearing.

Moved by Board Member Celsi, 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, Celsi, Christiansen, Cunningham.....Yes
Pfannkuch.....Absent

Chairperson Blaser invited the applicant to present their application.

Jason Shanahan, 1690 Shanahan Drive South, Elgin, IL, introduced himself and those present with him. He stated his intent to construct an interior storage facility at 6340 Stagecoach Drive.

Doug Jelinek, 1690 Shanahan Drive, South Elgin, IL, introduced the site plan, noting that after construction of the indoor storage facility, there will be three buildings in the area, each with a Mediterranean style to fit the streetscape. The existing Senior Living Center to the east sits lower than the storage site. The proposed building will be 3 stories. He pointed out that to the South there are a couple tree lines, and a big drainage way, with existing trees. And there is another residential use to the south. The property includes a residentially zoned outlot. He stated they had worked with staff on the architecture of the facility. The site narrows toward Stagecoach along an intervening drainage easement; the access is from the North. Retail space will be provided in the building along the Stagecoach facade; the actual access to the storage facility is enclosed on the south side. There is a loading area within the building for up to five vehicles. Vehicles would exit the building on the back side of the building with a drive leading back to Stagecoach with a second access on the northeast side of the site that will allow access to Mills Civic Parkway. City staff had asked for retail look at the base of the north façade to continue storefront look; the windows above would mimic hotel use. Landscaping will include evergreen trees to screen the loading area.

Chris Shanahan, 1690 Shanahan Drive South Elgin, IL, stated that he runs the operational side of the storage facility business and noted that they've been in the self-storage business for 20 years. They have developed, constructed and managed the self-storage facilities they've been involved with. The hours of operation would be restricted per West Des Moines requirements, and they agree with those restrictions.

As there were no questions from the Board, or the audience, Chairman Blaser closed the public hearing and invited Staff to present comments.

Brian Portz, Development Services, pointed out that the Board was considering just the use at this time. He noted that the site plan would be presented to the Plan & Zoning Commission, and then to City Council. In 2016, the City Council enacted an ordinance which allows this use in commercial districts as long as the building looks like a retail store or hotel, or something similar to the area. It does have to have the retail appearance, and must accommodate the parking needs for a possible reuse of the property as a hotel, in this case.

Board Member Cunningham asked whether this would be the first one of these approved since the change in 2016. Mr. Portz affirmed that it was, noting that Staff also has another application going through the review process at this time.

Chairperson Blaser, hearing no other comments or questions, asked for a motion and a second for this item.

Moved by Board Member Christiansen seconded by Board Member Celsi, the Board of Adjustment adopted a resolution to approve the Permitted Conditional Use Permit to allow indoor storage as a use, subject to meeting all City Code requirements, regulations, and the following:

1. This approval is to allow only the use of the property for an indoor storage facility, SIC 4225, Self-service storage facility – interior unit access with no outside storage yard. A specific design for the site is not approved at this time. The design of the site and building design will be reviewed by City staff and the Plan & Zoning Commission and City Council through the Town Center Overlay District process at a later date once all staff comments regarding the site plan submittal have been addressed by the applicant.

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

Item 3b - Hall Variance, 3310 SW 56th Street – Vary the rear yard setback by 10 feet from 50 feet to 40 feet for the construction of new house – Alexander and Whitney Hall - VAR-003640-2017

Chairperson Blaser opened the public hearing and asked the Recording Secretary to state when the public hearing notice was published. The Recording Secretary indicated that the notice was published on September 22, 2017, in the Des Moines Register.

Chairperson Blaser then asked for a motion to accept and make a part of the record all testimony and all other documents received at this public hearing.

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

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

Chairperson Blaser invited the applicant to present their application.

Alexander Hall, 811 Burr Oaks Drive, #805, presented his variance request. He detailed his family’s history in moving to Des Moines to establish a restaurant business in Des Moines, and to build a home in West Des Moines in order to be close to extended family. He purchased a lot on Maffit Ridge, and worked with an architect to design a custom-built home. The lot has five sides, and there was a misunderstanding about the set-back requirements, resulting in the home placement being 10 feet too close to the rear yard. Mr. Hall expressed his desire to place the home at the top of the lot in order to maximize the view, and reduce the number of trees requiring removal. He noted that the lot directly behind him had not been purchased yet, but once a home was built there it would still be 90 feet from his residence. The home would be single story, and as their mortgage has been approved, they are eager to begin building.

Board Member Ericksen asked Mr. Hall to further illustrate using a drawing on the overhead. Mr. Hall explained the lot and proposed site plan. He further identified which lots had been sold and which had not.

Chairman Blaser asked Mr. Hall when he bought the property. Mr. Hall stated they had purchased the lot in December of 2016.

Chairman Blaser questioned if the Halls were not aware of the setbacks. Mr. Hall confirmed, saying they had been naïve, and had received a bum steer from architect who told them there were 20 foot right, left and back setbacks. Then when they finalized plans, they found out there was a 50 foot setback at the back. He noted that it is a five sided lot and was very odd. There is a walking path that goes through the land, and they wanted to be further from the walking path as well.

Board Member Christiansen asked to see where the walking path is located. Mr. Hall pointed it out on the drawing.

Board Member Christiansen asked if it was private. Mr. Hall responded that it belongs to the Association, but goes through their lot.

Board Member Christiansen asked if it was City – owned. Mr. Hall conferred with developer John Mandelbaum,

and responded that it was not City owned, it was Association owned.

Chairman Blaser invited anyone from the audience to speak to this subject.

Doug Wells – 520 42th Street #400, Des Moines, stated that he was a partner with John Mandelbaum, and was familiar with and supported the request, noting that physically it works a lot better if the variance is allowed. He stated that he was working with the Hall's architect from New York with the ultimate goal to not remove trees unnecessarily. He noted that ten feet doesn't sound like a lot, but it makes a significant difference in the number of trees saved.

Board Member Christiansen asked if anyone had pictures of the trees on the site. Alex and Whitney Hall brought a cell phone to the overhead projector and presented photos of the lot.

Chairman Blaser asked if the Board chose not to grant the variance, would the Halls have to move the house back 10 feet, and have to remove 10 feet of trees. Mr. Hall explained that the land where those trees are drops away dramatically down a slope.

Board Member Christiansen clarified that it was also the grade they were dealing with. Mr. Hall affirmed that it was, showing on the map that the ground slope where the footpath is, and goes up quite dramatically. He stated that if the variance was not allowed, they would have to excavate and support the house from below. This was projected to create a \$15,000 difference in budget to bore the utilities in rather than trenching; and commented that more trees would likely be affected by the excavation as well, as the soil will be disturbed.

Board Member Christiansen asked whether the path would always be private. Doug Wells affirmed, yes, it's owned by the association.

Mr. Hall showed another picture of the grade sloping to the path.

Board Member Christiansen commented that as Mr. Hall was not an engineer, he's privately responding to Board questions. One of the questions, the north setback being incorrectly platted, he stated that the Board would come back to that question. He notified Mr. Hall that the Board has the tough task of looking at and making a decision just based on the facts. He added that the Board would reserve some questions to ask Staff.

Mr. Hall reiterated the number of trees they will have to remove. Chairman Blaser responded that the Board understands the tree issue, and requested that Mr. Hall put up again the drawing showing where the house will sit on the lot. Mr. Hall did so.

Chairman Blaser asked if the Board did not grant the variance, would the applicant have to cut off the corner of the house – noting that the applicant had probably spent a lot of money on architectural fees, questioning if there was no workaround to change the design of the house.

Mr. Hall responded that this was the design they would like to build; the land sits in a certain way, they wanted to position the house for the sun to come in a certain way, and to take advantage of the view. He added that if they redesigned the house now, they would have to make some drastic changes. He noted that they have been preapproved for a mortgage, and are hoping to build soon. To redesign now would potentially pose a hardship for them.

Chairman Blaser asked if there were any further comments from anyone in the audience, and hearing none, closed the public hearing. He asked for Staff comments.

Linda Schemmel, Development Coordinator, presented for Planner Kara Tragessor in her absence. She prefaced

her remarks by reminding those present that this is a new format for the variance process. Staff set up the resolution so that the Board has three options. The Board can choose the applicant findings, or adopt staff findings, or craft their own findings. Once that's decided, those changes would be incorporated so the resolution could be signed tonight. She then pointed out the information in the staff review comments including the corrected north setback line, and noted that complying with the setback requirement does not require moving the building, the house could be redesigned. Staff findings are that the applicant has the ability to conform and the variance would not be required to construct a residence on the site.

Board Member Christiansen asked for illustration. Coordinator Schemmel showed where the corrected north property line would be located, the easement for the walkway, and the rear setback. She showed where on the north edge, they could gain another 20 feet in buildable area.

Board Member Cunningham asked to see the lot drawing. Ms. Schemmel placed the lot drawing on the overhead.

Board Member Cunningham asked whether the lot directly south of the Hall lot had been sold yet. Ms. Schemmel confirmed that it had not. Board Member Cunningham then questioned if the Board were to grant the variance, would it have any impact on the future purchaser's ability to develop that lot with regard to setbacks.

Ms. Schemmel stated that it would not; but it would be the future buyers' expectation that the owner of the subject lot would need to meet the 50 foot setback from their property line, the same as any other lot in the development.

Chairman Blaser questioned when Ms. Schemmel was suggesting the house could be moved back. Ms. Schemmel stated that there are several different options, just not moving it north – they could slide the location to the side, slide it north, or modify the design – or do a combination to meet the setback requirements.

Chairman Blaser noted that if they want that plan; they would have to move it and the grade and trees will be affected. Ms. Schemmel noted that then it's a discussion of a self-imposed hardship.

Seeing indication from the developer in the audience, Board Member Cunningham made a motion to reopen the Public Hearing. Board Member Christiansen seconded the motion, and the Board unanimously through voice vote chose to reopen the Public Hearing.

John Mandelbaum – 2630 SE Woodridge Dr, West Des Moines noted that he owned the lot directly south of the Hall's, adding that the design and quality of the home this couple wants to build is exactly what they as developers were hoping for when they developed this area. He added that if the variance doesn't go through, the developers would be the ones who will suffer. He said they were willing to take the risk that the lot to the south wouldn't sell by allowing the Halls the additional ten feet of setback.

Chairman Blaser asked what alternatives would be available for this house if the Board denied the variance. Mr. Mandelbaum replied that the Halls could move it down and remove the trees; adding that he had done something similar. He added that the Halls could build the house as two stories instead of one, but noted that it's a beautiful home, the kind they would like to have out there. He said the design is so good, they are willing to take the chance of not being able to develop the other lot.

Board Member Christiansen commented that he was in favor of saving trees, and that the house looks super-cool. He added that the Board would have to be careful about setting precedence. They would want to make specific factual comments here.

Mr. Mandelbaum stated that the developers had spent a lot of money to make the quality of life out there exceptional; including the walking trail; he thought everybody's going to love it out there. He acknowledged that he understood where they were coming from on precedence. He said he thinks this makes sense.

Board Member Christiansen noted that the Board has been pretty strict. They are slow to grant variances. He added that he doesn't doubt that it's a nice house and he agreed with saving trees, but did not want to set a precedent.

Mr. Mandelbaum suggested that maybe the Board could make an exception for Maffit Ridge. Ms. Schemmel inserted that the lot to the south appeared to have sufficient size, that Mr. Mandelbaum could convey a portion of the the lot to the south to the subject property to eliminate the need for the variance.

Board Member Cunningham asked Mr. Mandelbaum to come forward to speak to that. Doug Wells came forward and stated that he had conferred with Mr. Mandelbaum, and was willing to adjust the property line by a 10 foot measurement, which might take all the issues off the table.

The Board instructed the applicant and developers to confer. Board Member Cunningham stated that if the Applicant wished to withdraw their application, they could do so, or they could ask the Board to vote, which would render a final decision.

Mr. Hall stated that they would like to withdraw their petition. The Board accepted the withdrawal of the variance and closed the Public Hearing.

Item 4 – New Business

There were no New Business items presented.

Item 5 – Staff Reports

There were no staff reports. Board Members questioned whether there were any agenda items scheduled for October 16, and there are none at this time. Board Member Christiansen mentioned that he would not be available to attend that meeting.

Item 6 – Adjournment

Chairperson Blaser asked for a motion to adjourn the meeting.

Moved by Board Member Cunningham seconded by Board Member Celsi, the Board of Adjustment meeting adjourned at 6:23 pm.

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

Michael R. Blaser, Chairperson
Board of Adjustment

Jennifer Canaday, Recording Secretary