

BOARD OF ADJUSTMENT MEETING MINUTES

BOA_AF_04-01-2020

Chairperson Pfannkuch called to order the April 1, 2020, regularly scheduled meeting of the Board of Adjustment at 5:30 p.m. in the Large Conference Room, West Des Moines Law Enforcement Center, located at 250 Mills Civic Parkway, in West Des Moines, Iowa. Board Members joined the meeting electronically due to the Covid-19 assembly limitations.

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

Item 1 – Consent Agenda

Item 1a – Minutes of March 18, 2020

Chairperson Pfannkuch asked for any questions or modifications to the meeting minutes of March 18, 2020.

Moved by Board Member Blaser, seconded by Board Member Christiansen, the March 18, 2020 meeting minutes were approved as presented.

Vote: Blaser, Christiansen, Cunningham, Pfannkuch, StevensYes
Motion carried.

Item 2 – Old Business

There were no Old Business items.

Item 3 – Public Hearings

Item 3a – Setback Variance – Todd Culver – 308 Hillside Avenue – Approval of an eight foot variance from the required nine foot side yard setback – VAR-004601-2020

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 March 18, 2020, 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, StevensYes
Motion carried.

Todd Culver, 308 Hillside Avenue, thanked the Board for considering his variance and explained his request to replace his dilapidated, non-functional detached garage with a new detached garage in the same location.

Chairperson Pfannkuch asked for any other questions or comments from the audience and upon hearing none, declared the public hearing item closed.

Brad Munford, Development Services Planner, informed that the applicant is seeking an 8'

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variance from a 9' side yard setback request for an accessory structure. The current garage is very small for today's size vehicle, so the applicant is planning a slightly larger garage, with the extra foot or two at the rear of the structure for storage. This replacement garage would be the same distance from the side property line as the current structure. Current code requires a 5' side yard setback except with a 25' length. A 25' length would require a 9' side yard setback. Because of the overhang, the new structure would be one foot from the side property line, and the foundation would be two feet. This is similar to the existing structure.

Planner Munford noted that there were two actions available for the Board's consideration. The garage could be approved to have a 5' side yard if the garage was less than 24 feet. Or the garage could exceed 25' in length and would need approval of 8' of the 9' setback required.

Planner Munford summarized the staff findings, noting the special circumstances include a mature tree in the back yard and a shallow lot, noting a previous variance approved at 428 4th Street in Valley Junction for similar reasons. It is not anticipated that granting the variance will negatively impact the health and welfare of those around the applicant.

Board Members Cunningham and Blaser asked for clarification regarding which action the applicant preferred; Planner Munford replied that he preferred the second action.

Board Member Cunningham asked the required setback to the rear lot line. Planner Munford replied that it is 5' and that this was not an issue with this situation. Board Member Cunningham asked for clarification regarding location of setbacks on the drawings being reviewed, and Planner Munford responded.

Chair Pfannkuch asked whether approving the 25' length would give the applicant more room to move around; Planner Munford responded that it provides a little extra space for storage.

Chair Pfannkuch asked if there was any response to the public noticing. Planner Munford replied that he had one inquiry from a neighbor a couple blocks away who was just seeking information, but who had no objections.

Board Member Cunningham asked if the applicant was aware of the conditions of approval and was in agreement. Mr. Culver returned to the dais and affirmed that he agreed to the conditions. He noted that he had hired a builder and an architect who have drawn the plans, and that he would not be doing the work himself. He also confirmed that the second action was his preference.

Board Member Stevens asked how many variances had been approved in recent years by neighbors who wished to build up to their property lines. Development Coordinator Schemmel responded that in studying the neighborhood, Staff determined that about half of the existing accessory structures were original, and half had been built under previous setbacks, with one constructed under current requirements.

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

Moved by Board Member Blaser to approve the variance request with Action B, seconded by Board Member Cunningham, the Board of Adjustment adopted a resolution to approve the variance based on the staff findings.

Vote: Blaser, Christiansen, Cunningham, Pfannkuch, StevensYes
Motion carried.

Item 4 – New Business

There were no New Business items.

Item 5 – Staff Reports

Item 5a - Election of Chair and Vice Chair for 2020

Chair Pfannkuch volunteered to serve a second year as the Chairperson of the Board, and Michele Stevens agreed to serve a second year as Vice Chair of the Board. It was moved by Board Member Christiansen to retain Angie Pfannkuch as Chairperson and Michele Stevens as Vice Chair; motion seconded by Board Member Blaser. Motion carried.

Item 5b - Next Meeting Date

April 5, 2020

Item 6 – Adjournment

Chairperson Pfannkuch asked for a motion to adjourn the meeting.

Moved by Board Member Blaser, seconded by Board Member Christiansen, the Board of Adjustment meeting adjourned at 5:53 pm.

Angie Pfannkuch, Chairperson

Jennifer Canaday, Recording Secretary