

**CITY OF WEST DES MOINES
BOARD OF ADJUSTMENT COMMUNICATION**

Meeting Date: June 5, 2019

Item: Arnold Variance, 200 39th Street – Extension of Approval of Temporary Variance to Exceed Maximum Square Footage of Accessory Structures – Jon and Robin Arnold – VAR-003488-2017

Requested Action: Approval of an extension of temporary variance

Case Advisor: Kara Tragesser, AICP *KAT*

Applicant's Request: Jon and Robin Arnold received approval of a temporary variance of the maximum square footage of accessory structures for their property at 200 39th Street (see Attachment B: Location Map) in June 2017. The property had several existing accessory structures that cumulatively exceeded the maximum allowed square footage of 1,000 sq. ft. for the zoning district in which the property is located. The temporary variance was allowed to enable the construction of a new garage and over the course of two years, empty and remove the other buildings. The Arnolds have completed a lot of the work, yet are requesting a few more months to complete the emptying and demolition of buildings that are left; therefore an extension of the temporary variance until October 31, 2019, to accomplish the task is being requested.

History: The residence on the property was constructed in 1910. The outbuildings were constructed in 1940 and 1950. The property was not annexed into the City until 1957.

City Council Subcommittee: This project was not presented to the Development and Planning City Council Subcommittee due to the minor nature of the action.

Staff Review and Comment: There are no outstanding issues. As a reminder, according to the Polk County Assessor there are five accessory structures on the site totaling 1,636 sq. ft. The Arnolds proposed to demolish the current 240 sq. ft. garage and replace it with a new one up to 1,000 sq. ft., a net increase of up to 760 sq. ft. Once the new garage is constructed, the Arnolds indicate that they will use the garage to help empty the other accessory structures so that all of the older accessory structures can be demolished.

The new garage has been constructed at about 924 sq. ft., leaving 76 sq. ft. of other accessory structure to be allowed to remain on the property.

Staff supports an extension to October 31, 2019 of the temporary variance of the maximum square footage of accessory structures allowed for the zoning district to allow the emptying and demolition of the remaining outbuildings.

Variance Findings. Title II of the City Codes discusses the variance procedure. All five (5) conditions must be met in order to grant a variance. Based upon a review of the submitted variance request, staff has made the following findings on the proposed project:

1. That the proposed development or use is consistent with the West Des Moines comprehensive plan and any applicable subarea plan. *The proposed development is consistent with the Comprehensive Plan.*
2. That there are special circumstances or exceptional characteristics applicable to the subject property with regard to size, shape, topography or location, which do not apply generally to comparable

properties in the same vicinity and zones. *This property was originally developed in 1910 with the residence and further developed with the outbuildings in 1940 and 1950 while the property was outside the city limits. The existence of over 1,600 sq. ft. of accessory structures or outbuildings effectively prevents improving the property with a new garage without the demolition of the other structures that are in use.*

3. That the strict application of the zoning regulations as they apply to the subject property will result in practical difficulties or unnecessary hardships inconsistent with the general purpose of such regulations provided that such hardships shall not be self-imposed by the applicant or his or her successor in interest. *The Arnold's plan to demolish the outbuildings over time. The strict application of the code would prohibit the replacement of the garage no matter what the size due to the existing condition of exceeding the maximum square footage for accessory structures that occurred when the property was outside of the city limit. Staff does not believe that this hardship is self-imposed and do believe that the property should be allowed to be improved so long as other structures on the property are demolished within a reasonable time frame to bring the total square footage of accessory structures to be no more than 1,000 sq. ft. in total for the property.*
4. That there have been no changes in the character of the site or its surroundings which detrimentally affect the environment. *There does not appear to be any changes in the character of the site or its surroundings which detrimentally affect the environment.*
5. That the granting of such variance does not, under the circumstances and conditions applied in the particular case, adversely affect the health or safety of persons, is not materially detrimental to the public welfare, nor injurious to nearby property or improvements. *The granting of the requested variances will not affect the health or safety of persons, is not detrimental to the public welfare and will not be injurious to surrounding properties or existing public infrastructure. The granting of this temporary variance will allow the property owners to improve the site by demolishing outdated structures and reducing clutter on the property to the benefit of the property and neighboring properties.*

Staff Recommendations and Conditions of Approval: Based upon the following review, a finding of consistency with the goals and policies of the Comprehensive Plan and compliance with the findings necessary for approval, staff recommends the Board of Adjustment adopt a resolution for approval of an extension of the temporary variance of the maximum square footage of accessory structures granted in June 2017 until October 31, 2019.

Noticing Information: No notice of this action was published or mailed.

Property Owner and Applicant: Jon and Robin Arnold
200 39th Street
West Des Moines, Iowa 50265

Attachments:

- Attachment A - Board of Adjustment Resolution
- Attachment B - Location Map

Prepared by: KTragesser, City of West Des Moines PO Box 65320 West Des Moines IA 50265-0320 515-222-3620
When Recorded, Return to: City Clerk, City of West Des Moines PO Box 65320 West Des Moines IA 50265-0320

RESOLUTION **BOA-2019-09**

A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES, APPROVING AN EXTENSION TO OCTOBER 31, 2019 OF THE JUNE 2017 APPROVED VARIANCE REQUEST (VAR-003488-2017) ALLOWING A TEMPORARY VARIANCE OF 1,396 SQUARE FEET ABOVE THE MAXIMUM OF 1,000 SQ. FT. OF ALLOWED ACCESSORY STRUCTURE

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq. of the West Des Moines Municipal Code, the applicants Jon and Robin Arnold request approval of an extension of a temporary variance granted in June 2017 to vary the maximum accessory structure by approximately 1,396 sq. ft. above the maximum of 1,000 sq. ft. of allowed accessory structures until October 31, 2019 on property generally known as 200 39th Street and legally described as:

Legal Description of Property

East 1/2 of the alley lying adjacent to the property and the west 1/2 of Walnut Street lying east and adjacent to the property and Lots 1 through 5 Block 3 and the east 1/2 of Walnut Street lying west of and adjacent to the property and Lot 10 through 14 and the alley lying west of and adjacent to the property and except the east five feet of Lots 1 through 5 Block 4 Ashawa, a plat now in and forming a part of the City of West Des Moines, Polk County, Iowa

WHEREAS, studies and investigations were made, and staff reports and recommendations were submitted which are made a part of this record and herein incorporated by reference;

WHEREAS, on June 5, 2019, the Board of Adjustment held a duly-noticed public meeting to consider the request for an extension of the previously approved variance (VAR-003488-2017);

NOW, THEREFORE, THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES DOES RESOLVE AS FOLLOWS:

SECTION 1. The findings for approval of the extension request as stated in the staff report dated June 5, 2019, are adopted.

SECTION 2. The extension of a temporary Variance Request for an approximately 1,396 sq. ft. above the maximum 1,000 sq. ft. of allowed accessory structures in granted until October 31, 2019.

PASSED AND ADOPTED on June 5, 2019.

Angie Pfannkuch, Chair
Board of Adjustment

ATTEST:

Recording Secretary

I HEREBY CERTIFY that the foregoing resolution was duly adopted by the Board of Adjustment for the City of West Des Moines, Iowa, at a regular meeting held on June 5, 2019, by the following vote:

AYES:

NAYS:

ABSTAIN:

ABSENT:

ATTEST:

Recording Secretary



Location Map



333.3 0 166.67 333.3 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
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Disclaimer: The City of West Des Moines makes no warranties regarding the accuracy or completeness of the data provided herein.

THIS MAP IS NOT TO BE USED FOR NAVIGATION