

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

Meeting Date: March 18, 2020

Item: Setback Variance, 1226 18th Street – Variance of the front and side yard setbacks to accommodate building additions - VAR-004643-2020

Requested Action: Request for setback variances of the following:

- 35' Front Yard Setback
- Average Front Yard Depth
- 8' Side Yard Setback

Case Advisor: Brian Portz, Planner 

Applicant Request: The applicant and property owner, Steve Flood, is requesting approval to construct a garage addition onto the front of his house and a bedroom addition onto the rear of the house. The garage addition will result in a need for a four foot (4') variance from the required thirty-five foot (35') front yard setback. Additionally, the garage addition will require a twenty-nine foot (29') variance from the average front yard depth of sixty foot (60') based on the requirement that requires the front yard setback for the subject lot to be equal to the average of the front yard depths of any existing immediate adjacent dwellings on the same side of the street. The garage addition and the rear bedroom addition will also require a one foot (1') variance from the eight foot (8') side yard setback requirement.

History: This property is platted as Lot 5, Golf & Country Club Plat 6. According to the County Assessor, the home on the property was constructed in 1955.

City Council Subcommittee: This item was presented to the Development and Planning City Council Subcommittee on March 2, 2020, as an informational item only. No discussion was had and no disagreement with the proposal was expressed.

Staff Review and Comment: This request was distributed to other City departments and other agencies for their review and comment. Staff would summarize the following key points of interest:

- **Front Yard Setback:** The property at 1226 18th Street is zoned Residential Single Family (RS-28, 28,000 sf minimum lot size) which requires a thirty-five foot (35') front yard setback. The applicant is proposing a garage addition onto the front of the house that will encroach four feet (4') into the front yard setback. Due to the curve of 18th Street toward the applicant's house at this location, only the northeast corner of the garage will encroach into the setback.
- **Average Front Yard Depth:** City Code requires that in any existing platted property where the average front yard setback is different than that required for the specific zoning district (which is the case in this situation), the front yard setback for the subject lot is equal to the average of the front yard depths of any existing immediate adjacent dwellings on the same side of the street including the existing dwelling of the subject property. In this situation, the center of the house at 1234 18th Street is located approximately forty-six feet (46') from the front property line, the center of the house at 1218 18th Street is located approximately seventy-nine feet (79') from the front property line, and the center of the subject house (1226 18th Street) is located approximately fifty-five feet (55') from the front property line. The average setback distance of these three properties is approximately sixty feet (60'). Based on this information and the requirements of the City Code, the house could not be built any closer to the front property line without a variance from this requirement. This is a request for a twenty-nine foot (29') variance from the average front yard depth of sixty feet (60') to construct the garage onto the front of the house. It should be noted, that all the homes on the west side of 18th Street are generally located in a straight line. The curve of the road results in the home to the south of

the subject property having a much larger setback from the street than the house on the north side of the subject property.

- **Side Yard Setback:** The RS zoning district requires a minimum eight foot (8') side yard setback on any one side, with a minimum sum of the side yard setbacks of twenty feet (20'). The existing house is located seven feet (7') from both side property lines. This home was constructed in 1955, which at the time, side yard setbacks were to be 10% of the lot width. This lot is approximately 83' wide, which would have required eight foot (8') side yard setbacks. Staff is not sure why the house was constructed with lesser side yard setbacks than required at the time. The applicant intends to follow the existing wall plane of the house for both the garage and bedroom additions.

Noticing Information: On March 6, 2020, notice of the March 18, 2020 Board of Adjustment Public Hearing on this project was published in the Des Moines Register. Notice of this public hearing was also mailed to all surrounding property owners within 370 feet of the subject property on or about March 2, 2020.

Property Owner: Steve Flood
1226 18th Street
West Des Moines, Iowa 50265
booflood51@gmail.com

Attachments:

- | | | |
|--------------|---|--|
| Attachment A | - | Board of Adjustment Resolutions (Approval or Denial) |
| Exhibit A | - | Recommended Conditions of Approval |
| Exhibit B | - | Adopted Findings |
| Attachment B | - | Location Map |
| Attachment C | - | Applicant's Site Plan |
| Attachment D | - | Front Yard Illustration |
| Attachment E | - | Reason for Variance from the Applicant |
| Attachment F | - | Findings from the Applicant |
| Attachment G | - | Findings from Staff |

Prepared by: B. Portz, West Des Moines Development Services PO Box 65320 West Des Moines IA 50265-0320 515-222-3630
When Recorded, Return to: City Clerk, City of West Des Moines PO Box 65320 West Des Moines IA 50265-0320

RESOLUTION BOA-2020-05

A RESOLUTION OF THE BOARD OF ADJUSTMENT OF THE CITY OF WEST DES MOINES, APPROVING OR DENYING AS NOTED IN SECTION 1 THE VARIANCE REQUEST (VAR-004643-2020) OF A FOUR FOOT (4') VARIANCE OF THE REQUIRED THIRTY-FIVE FOOT (35') FRONT YARD SETBACK, A ONE FOOT (1') VARIANCE OF THE REQUIRED EIGHT FOOT (8') SIDE YARD SETBACK, AND A TWENTY-NINE FOOT (29') VARIANCE FROM THE AVERAGE FRONT YARD DEPTH REQUIREMENT FOR PROPERTY LOCATED AT 1226 18TH STREET FOR PURPOSES OF CONSTRUCTING A GARAGE ADDITION AND BEDROOM ADDITION ON THE PROPERTY

WHEREAS, pursuant to the provisions of Title 9, Chapter 1 et seq, of the West Des Moines Municipal Code, the applicant and property owner, Steve Flood, has requested approval of a variance from Title 9, Zoning, Chapter 7 (*Setback and Bulk Density Regulations*), Section 4 (*Setback and Bulk Density Regulations*), Table 7.2, for a variance of four feet (4') of the required thirty-five foot (35') front yard setback, a variance of one foot (1') of the required eight foot (8') side yard setback, and a twenty-nine foot (29') variance from the average front yard depth requirement to construct a garage addition and bedroom addition on property located at 1226 18th Street and legally described as:

Legal Description of Property

LOT 5, GOLF AND COUNRTY CLUB PLAT 6
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 is made a part of this record and herein incorporated by reference;

WHEREAS, on March 18, 2020, the Board of Adjustment held a duly-noticed public hearing to consider the application for a variance (VAR-004643-2020);

WHEREAS, based upon a review of the submitted variance request, the Board of Adjustment finds **(In Favor of Applicant's Findings, In Favor of Staff Findings, or in Favor of the Board's Findings)** _____ as attached at Exhibit B;

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

SECTION 1, ACTION A. A Variance Request (VAR-004643-2020), for a four foot (4') variance from the thirty-five foot (35') front yard setback requirement to construct a garage addition for property locally known as 1226 18th Street is _____ (**approved or denied**).

SECTION 1, ACTION B. A Variance Request (VAR-004643-2020), for a twenty-nine foot (29') variance from the average front yard depth requirement to construct a garage addition for property

locally known as 1226 18th Street is _____ (approved or denied).

SECTION 1, ACTION C. A Variance Request (VAR-004643-2020), for a one foot (1') variance from the required eight foot (8') side yard setback requirement to construct a garage addition and bedroom addition for property locally known as 1226 18th Street is _____ (approved or denied).

PASSED AND ADOPTED on March 18, 2020

Angie Pfannkuch, Chairperson

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 March 18, 2020, by the following vote:

AYES:

NAYS:

ABSTAIN:

ABSENT:

ATTEST:

Recording Secretary

EXHIBIT A
Recommended Conditions of Approval

No conditions of approval.

EXHIBIT B
Adopted Findings

(Page left intentional blank until findings are adopted)



1226 18th Street



Legend

- Addresses
-  Corporate Limits
-  Parcels



1:4,053 

675.4 0 337.72 675.4 Feet

WGS_1984_Web_Mercator_Auxiliary_Sphere
© City of West Des Moines, Iowa

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

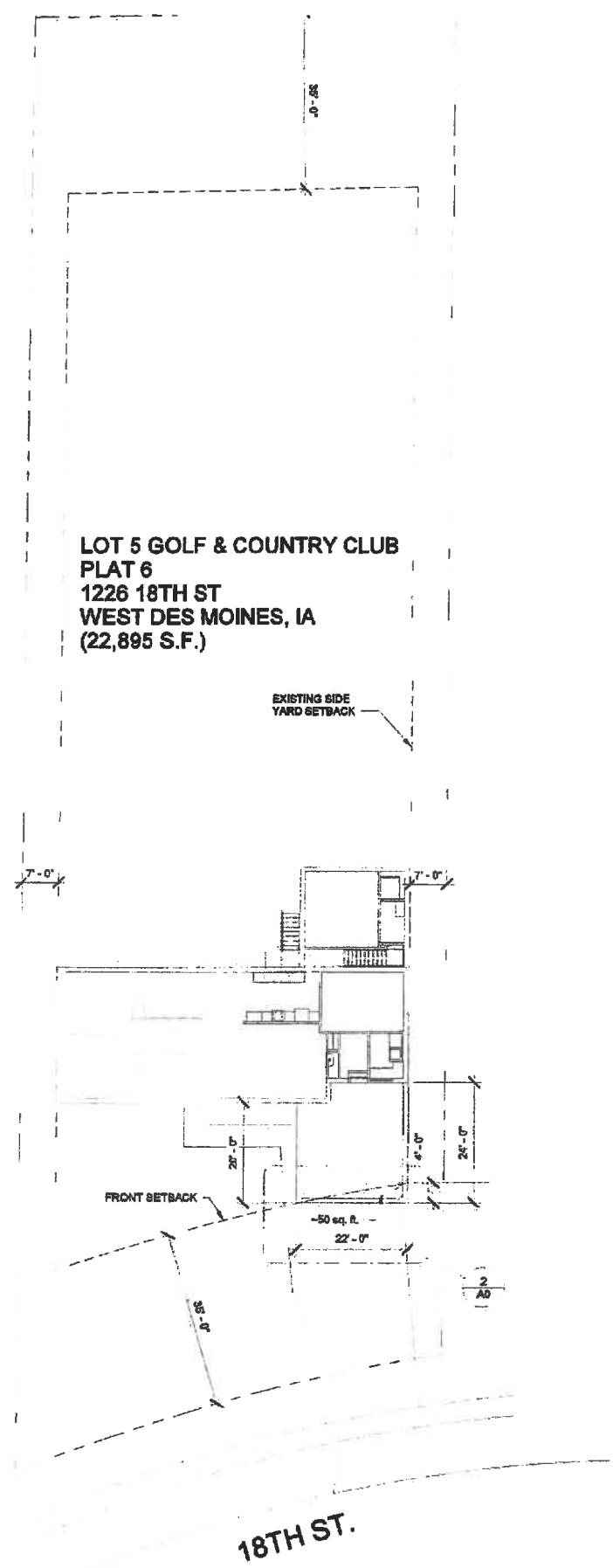
THIS MAP IS NOT TO BE USED FOR NAVIGATION

& ADDITION

1226 18th St

WEST DES MOINES, IA

**NOT FOR
CONSTRUCTION**



LOT 5 GOLF & COUNTRY CLUB
PLAT 6
1226 18TH ST
WEST DES MOINES, IA
(22,895 S.F.)

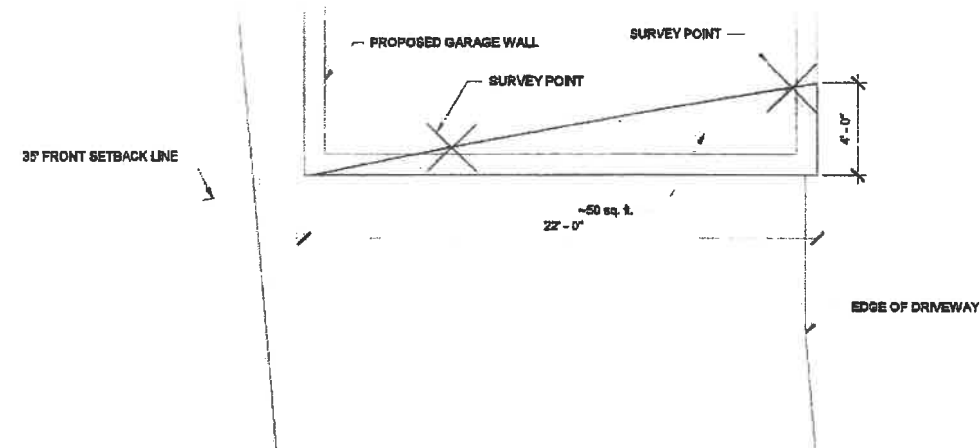
EXISTING SIDE
YARD SETBACK

FRONT SETBACK

18TH ST.

SITE PLAN NOTE: SITE PLAN IS FOR REFERENCE ONLY - NOT AN ENGINEERED SURVEY.
VERIFY PLACEMENT OF HOUSE W/ CIVIL PRIOR TO CONSTRUCTION

1 Site - Existing Setbacks
1/16" = 1'-0"



2 VARIANCE PLAN
1/4" = 1'-0"

PROJECT INFORMATION:

CONTRACTOR:
-

PROJECT DESCRIPTION:
ADDITION TO SINGLE FAMILY
RESIDENCE

DESIGNER:
DOAK DESIGN
729 N F St.
ALBIA, IA 52531

LEGAL DESCRIPTION: (VERIFY)
LOT 5 GOLF & COUNTRY CLUB
PLAT 6

| SHEET LIST | |
|------------|--------------------|
| SHEET # | SHEET NAME |
| A0 | COVER SHEET |
| A1 | PLANS & ELEVATIONS |
| A2 | OPTION 2 |

FLOOD REMODEL & ADDITION

DRAWN
As In
REVISK

DRAWN
GOV

THIS PLAN IS THE PROPERTY
OF DOAK DESIGN AND MAY



1226 18th Street Variance Front Yard Illustration

- 35' Front Yard (Zoning) - - - - -
- 60' Average Front Yard - - - - -

18th Street

46'

55'

79'

1239

1240

1234

1226

1218

1212

1239

1233

1225

1217

1211

Hardship request.

Dear City of West Des Moines Planning and Zoning

My name is Steve Flood I live at 1226 18th street in WDM. I am requesting a variance to add a 2 car garage to the front of my house and a new bedroom bathroom addition to the rear of my house. As you can see from the attached plans the requested variance in the front is only 50 sq feet total. The variance on the side matches the existing structure. I have also included a second option where the rear addition would be set back and not need a variance. I would prefer the first option but would also be satisfied with the 2nd.

I bought this house in August of 2017. At that I was in the middle of a divorce and my 2 under age children we staying in the home I was leaving with my X-wife. Since then my children have become of age and wish to live with me this has created a hardship in 2 ways first I have only a single car garage so when they are with me their cars must sit outside. Because of this my driveway is an eyesore both to me and my neighbors. Second hardship is both children are daughters and we currently are forced to share one bath room on the main floor of the house. Since I have bought the house I have made many improvements.

1. A new roof and gutters.
2. New driveway and front walk.
3. New garage floor and Door.
4. New back deck.
5. New sewer line to the street
6. New furnace and air conditioner.
7. New 30 feet of retaining wall on North side of house.
8. New 40 feet of retaining wall surrounding the walk out basement .

I love my home and the neighborhood so I am very hopeful you will grant the variance and allow me to stay in my home. If I an unable to make the improvements outlined I would be most likely

be forced to sell my house and look for one that better fits our needs. At that point I would suffer a significant loss of much of the investment I have made to upgrade the current property. I appreciate your consideration on this matter and hope for a positive outcome for both my family and the city.

I am sure that the improvements will increase my taxable value therefore a win for the city as well an upgrade for the neighborhood. And of course a positive for my family. Thank you very much.

Steve Flood

CITY OF WEST DES MOINES
VARIANCE APPLICATION FINDINGS

Please address each required finding in the space provided or attach more sheets if necessary to prove to the Board of Adjustment that the finding can be made.

1. That the proposed development or use is consistent with the West Des Moines comprehensive plan and any applicable sub-area plan.

My house is a residential single family dwelling and the addition will not change that.

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.

The biggest issue is the curve of the street. The garage would not need a variance if I were to put it on the south side of the house. However, to do so I would need to have a very large and beautiful oak tree removed. The current garage is on the north side of the house and I am just asking to enlarge and add onto it.

Another factor is that my street has 35 foot setbacks. I know that is not unheard of, but if the setback was more of a standard 30 feet, I would not need the variance in front of the house.

Lastly, my neighbor directly across the street was granted a similar Variance and added a 2 car garage as well as some other houses on my street. I know that some of the rules have changed over time but his garage is as close or closer to the street than the one I am hoping to add would be.

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.

When I bought the house I was in the process of a divorce and two of my daughters were minors and living with their mother. Since then, both have become of age and are living with me. They are both girls so without the proposed addition we are all forced to share one small bathroom on the first floor.

4. That there have been no changes in the character of the site or its surrounding which detrimentally affect the environment.

I have proposed nothing to change the site or the character of its surroundings or that will effect 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.

By granting this variance no one would be adversely affected in any way and it would in no way be detrimental to the public welfare nor would it be injurious to nearby property.

I have also spoken with my neighbors about these plans and they have been very supportive. They and I believe that additions like the one I have planned increase the value of my property

ATTACHMENT G
Findings from Staff

1. That the proposed development or use is consistent with the West Des Moines comprehensive plan and any applicable sub-area plan.

The proposed construction of a garage and bedroom addition onto a residential dwelling is consistent with the West Des Moines Comprehensive Plan in that the land use of the property is designated Single Family Residential on the Comprehensive Plan Land Use Map.

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.

A. *Front yard setback: At this location, 18th Street curves toward the house at 1226 18th Street, thus reducing the front yard area at the north end of the home and therefore the amount of space available to add onto the front of the house. The garage could be added to the south end of the home without encroaching into the front yard setback, however it would connect to the home where the bedrooms are located, which could result in significant changes to the interior of the home to accommodate access.*

B. *Average Front Yard Depth: The applicant is requesting the variance to accommodate a two car garage addition (the home currently has a one car garage). The majority of the homes in the vicinity have a two car garage. With the existing side yard widths of seven feet (7'), the applicant does not have access to the rear yard to add a garage, leaving the front yard as the only option for a garage addition unless the existing garage is modified to a "drive through" configuration, allowing access to the rear yard. There is a drop in grade from the front to the rear of the lot that would require significant work to accommodate the change in grade if a drive through configuration would be pursued. Other than noted above, there are no special circumstances or exceptional characteristics applicable to the subject property. All of the homes on the west side of 18th Street in this location are lined up in the same general location on their specific lot even when 18th Street curves toward the west.*

C. *Side yard setback: Most of the homes in this area don't meet the RS zoning district requirements for side yard setbacks as they were constructed prior to the RS zoning regulations. Homes in this area are generally centered on the lot and therefore the setbacks are the same on both sides. For the most part there is not a 20' sum of the side yards in this area. With the current home configuration, the applicant does have the ability to relocate or modify both additions to meet the 8' side yard setback. It is more of a challenge to relocate the additions to meet the side yard setback as they would encroach on the living room window in the front and deck stair in the back, necessitating modification of the existing construction. The proposed bedroom and garage additions will be simply extending along the same line of the existing house and therefore the proposed additions will not make the home encroachment into the side yard setback any worse.*

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.

A. *Front yard setback: The strict application of the zoning regulations as they apply to the subject property will result in a garage addition of adequate depth being pushed to the*

south to meet the front yard setback. This will require additional modifications to the interior of the building that will be more inconvenient and more expensive for the applicant, but not to the level that could be considered a practical difficulty or an unnecessary hardship.

B. Average Front Yard Depth: Under the assumption it is a reasonable expectation that the applicant should be allowed a two car garage as the majority of the homes in the vicinity have a two car garage, the strict application of the zoning regulations as they apply to the subject property could result in practical difficulties or an unnecessary hardship. With the limited side yard depth and the change in grade from the front to the rear of the yard making access extremely difficult, the only practical area to add a garage would be the front yard. Forcing a garage addition to the rear would render conformity unnecessarily burdensome.

C. Side yard setback: The house on this property is located seven feet (7') from both side property lines. The house was constructed in 1955 prior to the current requirement of a minimum of eight foot (8') side yard and a minimum sum of side yards at twenty feet (20'). The location of the house on the property is not self-imposed by the applicant and it could be argued that the additions are simply extending the existing building wall along the same line, however the applicant can modify the location of the bedroom addition or the width to comply with this regulation. If the garage addition is allowed at the north end of the home, the garage can be reduced in width or relocated to comply with this regulation. These modifications would be more inconvenient and more expensive for the applicant, but not to the level that could be considered a practical difficulty or an unnecessary hardship.

4. That there have been no changes in the character of the site or its surroundings which detrimentally affect the environment.

The character of the site has not been changed over the years to 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.

If the Board approves the variances, it is not foreseen that the variances would have a detrimental impact, however the adjacent neighbors view to the street would be partially obstructed with the garage addition.